

DEPARTMENT OF PLANNING & ZONING * BEFORE THE
Petitioner: The Honorable Mary Kay Sigaty * PLANNING BOARD OF
on behalf of General Growth Properties, Inc. * HOWARD COUNTY, MARYLAND
CB CASE *

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MOTION: *To recommend approval of the proposed General Plan Amendment for
Downtown Columbia, which was submitted with the proposed ZRA 113,
with the following recommended changes to the proposed General Plan
Amendment for Downtown Columbia.*

ACTION: *Recommended approval with the following recommendations; Vote: 5 – 0.*
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On October 1, 2008, General Growth Properties, Inc. (Petitioner) submitted to the County Council a proposed General Plan Amendment (GPA) which included seven supplemental documents, dated September 2008, which was also submitted with a proposed Zoning Regulations Amendment (ZRA 113).

On November 13, 2008, in response to the submittal of the proposed GPA, the Department of Planning & Zoning (DPZ) released a Technical Staff Report (TSR) that addressed both the proposed GPA and proposed ZRA, and which contained 33 recommendations related to the proposed GPA. DPZ utilized the five themes and 23 vision statements contained in the County’s 2007 document entitled, *Downtown Columbia – A Community Vision* (DCCV), to develop its recommendations in the TSR. The TSR also corresponds to the thematic format presented by petitioner in the GPA. The Planning Board’s (Board) recommendation follows the thematic format used in the GPA.

DPZ Presentation

On December 11, 2008, following a required 30-day advertising period, the Board held a public meeting where DPZ staff presented their TSR regarding both the GPA and ZRA 113.

On January 8, 2009, per continuation of the advertised meeting held on December 11, 2008, the Board held a public meeting where the petitioner presented their proposed original GPA and ZRA. The public meeting was continued for each of the following public meeting dates as summarized below.

On January 22, 2009, the petitioner presented the testimony of several individuals involved in developing the GPA and provided a written response, identified and referred to by the Board as

1 “option B”, to the comments and recommendations contained in the TSR. The Petitioner clarified
2 that “option B” **was not intended to amend or replace the original GPA or ZRA proposals** but to
3 offer other options or terms for the Board to consider that may be acceptable to petitioner if
4 necessary to facilitate approval of the original GPA petition. Petitioner completed its presentation,
5 answering questions posed by Board members. The Board opened the public testimony portion of
6 the meeting and began to hear and receive oral and written testimony by members of the general
7 public.

8 **Public Testimony**

9 On February 5 and March 5, 2009, the Board continued to hear and receive oral, written and
10 recorded video testimony by members of the public at public meetings on these dates.

11 On March 19, 2009, the Board received the last of the oral and written testimony and moved
12 to close the public record for receiving written testimony on April 2, 2009, at 5:00 PM.

13 **Public Work Sessions**

14 On April 13, April 30, May 14, May 27, June 11, June 25, July 9, July 16, July 23, August
15 20, September 2 and September 3, 2009, the Board held a series of public work sessions to discuss
16 and formulate its recommendations to the Petitioners’ GPA only.

17 **BOARD DISCUSSION AND RECOMMENDATIONS**

18 In its deliberations, the Board read, reviewed and carefully considered over 1,000 pages of
19 information submitted by the petitioner; several hundred pages of information provided by DPZ
20 including the TSR; and oral, written and recorded video testimony submitted by representatives of
21 25 community associations and more than 100 members of the general public. In total, the Board
22 heard over 30 hours of public presentations and public testimony during six, public meetings and
23 convened to deliberate for more than 50 hours during 12 public work sessions.

24 The recommendations in this document are related to the original submittal, dated September
25 2008, except where specifically indicated. The Board discussed merits and shortcomings of the
26 petitioner’s original proposed GPA including the supplemental documents submitted with the GPA;
27 comments and concerns expressed in public testimony; petitioner’s option B; and, DPZ’s TSR. At
28 the conclusion of the work sessions, the Board voted to forward the following recommendations to
29 the County Council regarding the original GPA, dated September 2008. Although the Board read,
30 reviewed, and considered the supplemental documents that were submitted with the original GPA
31 the Board’s recommendation does not include an evaluation of these documents. Similarly, the

1 recommendation does specifically evaluate or comment on the merits of petitioner's option B as a
2 whole, excepted as otherwise noted.

3 During its discussions, the Board raised additional issues and/or policy concerns that they
4 believe were not sufficiently addressed in the proposed GPA but of significant importance to merit
5 further review and discussion. Specifically, these issues relate to process, enforceability, and
6 implementation of the GPA so as to modify the NT zoning process specifically for the purpose of
7 revitalizing Columbia Downtown. As a result, this document is organized with "General
8 Recommendations" presented first to provide for the underpinnings of the "Thematic
9 Recommendations" which correspond to format used in the original proposed GPA documents.
10 These recommendations are preceded by a summary of the major discussion points of support,
11 opposition or additional points to consider. These summaries are included to provide the context and
12 also the rationale for the Board's recommendation. The Board intentionally did not provide
13 comment or a separate response for each recommendation contained in the TSR when there was full
14 Board agreement with DPZ's recommendations. Further, the Board has specifically identified and
15 attached those documents which are referenced in this recommendation as "PB Exhibits # 1 - 6." On
16 September 17, 2009, the Board voted to finalize and transmit its recommendations to the County
17 Council including the specific general and thematic recommendations which follow.

18 19 **GENERAL RECOMMENDATIONS**

20 ***A. Process Concerns***

21 The Board engaged in an extensive discussion of the various approaches and the associated
22 public processes available for making changes to New Town zoning (NT). The Board raised and
23 discussed several legal questions about whether the GPA is the correct tool to guide the
24 redevelopment of Downtown. Concerns discussed included the tremendous level of detail in the
25 proposed GPA, the appropriateness of modifying a policy document, *i.e.*, *General Plan 2000*, in the
26 manner proposed versus creating a Master Plan specifically for Downtown Columbia, and the
27 enforceability of the proposed GPA, both under current case law in Maryland (referencing *Terrapin*
28 *Run*), alternative tools such as establishing a Downtown District zone and then rezoning the affected
29 area as well as the impact of the petitioner's bankruptcy filing. Memoranda from the Office of Law
30 responding to the inquiries by the Board are attached.

31 The Board compared the proposed GPA with the existing New Town zoning process. Board
32 members discussed how the current New Town zoning process would have required an amendment
33 to the Preliminary Development Plan (PDP) by the Zoning Board, followed by multiple approvals by

1 Planning Board of an amended Comprehensive Sketch Plan (CSP), Final Development Plans
2 (FDP's) and Site Development Plans (SDP's). The proposal would consolidate the CSP/FDP stages,
3 but provide for more detail in the FDP and SDP stages. All acknowledged the proposed process
4 requires more specificity in submission materials earlier in the process; however, some questioned
5 the impact of having that much detail and associated costs borne by the developer at the beginning
6 and whether changes would be likely at later stages of the process when the Board typically had
7 more discretion in the existing process.

8 Additionally, some members expressed concerns in three areas: 1) whether an independent
9 master plan versus a general plan amendment should be the process for change in Downtown due to
10 the level detail in the proposal, and whether the proposed GPA represents a policy shift that would
11 result in sector plans for the rest of the County; 2) that the Downtown GPA, if adopted, should be off
12 limits for any change in the upcoming General Plan update; and, 3) that using re-zoning to plan for
13 Downtown would be preferable to creating three new processes in New Town (the existing New
14 Town process, the new process for the Village Centers, and this proposed Downtown process),
15 which could lead to confusion on the part of the public and owners even though this approach aligns
16 with the County's DCCV.

17 While the new process is legislative and thus permits greater opportunities for citizen input
18 and direct access to Council members than did the PDP amendment process, which is quasi-judicial;
19 the legislative process allows unlimited input anytime and anywhere from citizens with their elected
20 Council representatives whereas all discussions in a PDP amendment process must take place in
21 public forum.

22 With such a detailed chapter in the General Plan to address Downtown Columbia, the Board
23 questioned if such an approach being proposed is the first step towards developing sector plans in
24 Howard County, similar to Montgomery County. In jurisdictions using such an approach, a General
25 Plan is updated periodically as a County-wide document and its corresponding sub-area plans which
26 examine issues in greater specificity are done more frequently. For example, Montgomery County
27 does not update its "Wedges and Corridor" Comprehensive Plan on a County-wide basis, having
28 chosen to update sector plans and functional plans (Bethesda, Wheaton, Historic Preservation, etc.)
29 on a periodic basis.

30 The Board noted that if adopted, the Downtown Columbia GPA would be the first time
31 Howard County's *General Plan 2000* would be amended by sub-area. Most members expressed
32 concern with this approach and the implications for future planning efforts. Specifically, would the
33 areas of the Rural West, ElkrIDGE, Ellicott City (Route 40) and the remainder of Columbia be done

1 the same way? Some members thought it could be an appropriate approach for a maturing county,
2 but all members agreed it would be a major change in planning policy for Howard County.
3 Members agreed that if this were to be the future direction of the County's planning, then this
4 change in policy should be determined by Council and be reflected in whatever action is taken for
5 the delayed update of the 2000 General Plan.

6 One member considered the vast and ambitious vision of the plan as a master plan for the
7 area was really a rezoning effort and recommends instead that a new overlay (floating) zone and
8 corresponding regulations be created. The benefits of such an approach include reduced potential
9 for confusion for citizens and landowners, would not require three sets of regulations for one zone
10 that may or may not be able to sustain a legal challenge, would not require regulations to be written
11 to prohibit owners from using the other two New Town processes available, would easily permit
12 acreage to be added into the Downtown district at a future date, and most importantly not be too
13 difficult, cumbersome or lengthy so as to complete a project in a reasonable timeframe.

14 Additionally, the Board questioned who would be the actual submitter (preparer) of the
15 legislative package to the Council. While the Board recognized the tremendous amount of resources
16 the petitioner deployed to create the vision of GPA specifically in the areas of environmental
17 rehabilitation and restoration, the Board considers it the County government's responsibility to take
18 the lead in developing a plan for Downtown rather than to abdicate it to a privately-owned business
19 regardless of the quality of the job done. The Board recommends that instead of the petitioner
20 drafting and submitting the GPA to the Council, DPZ should work to develop a submission that
21 reflects the County's policy initiatives which addresses their and the Board's recommendations.
22 Then, the public, individual owners, and GGP could testify as to their support or concerns.
23

24 **A.1 The Planning Board recommends that the following additional materials and**
25 **studies be provided for the County Council for their deliberations on the GPA.**

- 26 • Revised phasing plan prepared by the Planning Board (PB Exhibit 1);
- 27 • Memorandum by Office of Law regarding GPA enforceability (PB Exhibit 2);
- 28 • Memorandum by Office of Law regarding GGP bankruptcy (PB Exhibit 3)
- 29 • Staff Key Recommendations in a summary document (PB Exhibit 4);
- 30 • GPA Exhibits on which Planning Board made recommendations (PB Exhibit 5);
- 31 • Flow chart comparing the proposed and existing NT Process (PB Exhibit 6)
- 32 • Fiscal analyses update of materials from Focus Group based on the GPA (not
33 completed in time for PB review or consideration as part of this recommendation);

- DPZ-prepared visual model of the proposed building heights in GPA Exhibit F;
- Traffic study analyses of future development capacity without a third interchange on Rt. 29 near South entrance road. VOTE: 5 – 0

A.2 The Planning Board recommends that the County Council receive a flow chart comparing the proposed and existing NT process (PB Exhibit 6). VOTE: 4 – 1 (Yelder)

A.3 The Planning Board recommends that the County Council consider concerns raised in this recommendation regarding the process chosen, a potential shift in policy towards sector plans, and the level of detail in the proposed GPA and also the concerns raised in citizen testimony regarding the importance of ensuring that amenities and infrastructure are provided to accommodate new development. VOTE: 5 – 0.

B. Enforceability

Citizen testimony raised the importance of ensuring that amenities and infrastructure are provided to accommodate new development. Repeatedly the Board heard citizens express concern for enforceability and accountability. Citizens were seeking to be assured that the plan in whatever form will all be legally binding, fully implemented and that the promised amenities will be built for the additional density that is being gained. This too was a concern of the Board, specifically as it relates to the ability of the County to require compliance by GGP or its successors via a GPA. Since *General Plan 2000* is a policy document, not a regulatory tool, members agreed that the ZRA should define a solid enforcement strategy. Upon the Board's request, Paul Johnson of the County's Office of Law (OOL) opined that, if elements of the GPA were specifically referenced in the ZRA, these would be enforceable under Maryland law. The General Plan sets policy; however, implementation occurs through various actions (regulations, incentives, capital projects, further studies, etc.). Enforceability of key aspects of the Downtown GPA is achieved through County regulations (ZRA 113, FDP's, APF, DAP and other regulations). Supporting documents to be submitted for future adoption would need to be consistent with the GPA. Scrutiny in the ZRA and related documents would be required to ensure such consistency.

The Board also sought counsel's opinion on how current bankruptcy proceedings might affect the enforceability of other agreements reached with the developer. Mr. Johnson stated that zoning, as a police power, was very rarely, if ever, affected by bankruptcy. Counsel stated that other

1 kinds of agreements reached with the developer, such as strictly financial agreements and obligations
2 that are not based on police powers, such as the housing trust fund, may be dismissed by a
3 bankruptcy court.

4 Mr. Johnson was also asked to explain whether the existing deed restrictions in Columbia
5 may act to negate the vision. Counsel explained that private restrictions are on a separate legal track,
6 and the most restrictive provisions, either in the deeds or the zoning, would be applied. However,
7 the County does not enforce, nor can it negate by legislation, private covenants in the land records.
8 Planning Board members suggested that an inventory of covenants, summarizing the limitations
9 imposed, should be submitted with project proposals to identify how properties are encumbered.

10 **B.1. The Planning Board recommends that the County Council: 1) seek written**
11 **legal advice and guidance from the Office of Law as the Council structures**
12 **the implementing tools to ensure compliance with the GPA; and, 2) request a**
13 **detailed legal opinion to address enforceability of the GPA as proposed,**
14 **comparing the GPA strategy with the existing New Town zoning process.**

15 **VOTE: 5 – 0.**

16 ***C. Implementation***

17 The successful redevelopment of Downtown will require substantial public, as well as
18 private, investment. The Board recommends that the county develop and undertake a
19 comprehensive economic development strategy to stimulate private investment. The strategy should
20 utilize various tools to incentivize and steer business investment activity in the area. These tools
21 may include employment tax credits, tax-exempt financing, property tax abatements or Payment In-
22 Lieu-of Tax agreements (P.I.L.O.T.s), coordinated infrastructure improvements, and other tools.
23 This comprehensive economic development strategy should be coordinated by HCEDA, and should
24 also include strategies to retain existing businesses in the area.

25 The location of where redevelopment begins was also considered important to catalyzing
26 redevelopment. The Board expressed the need for the County to take an active role in identifying
27 alternative starting points and develop incentives to spur development of a preferred location. The
28 Board suggested that a target area such as a single block be developed as a catalyst and a
29 demonstration model of a new Downtown. The model site would seek to completely develop a
30 location with uses, infrastructure, and amenities in order to foster community buy-in and support for
31 the project.

32 Additionally, the Board stated the County must participate in the implementation of the
33 Downtown plan by providing supporting public facilities and services in a timely manner such as a

new or expanded library, fire station, and school facilities. There will be County revenues and expenditures related to redevelopment, but currently there are no updated financial analyses for the Board to review. Updated fiscal impact analyses should be provided to the County Council.

The Board considered the existing review process to be sufficient and sees no need for a Columbia-only Planning Board. Retaining the existing reviewing bodies permits continuity of how the process was evolved and also maintains a county-wide perspective given that the redeveloped Downtown will serve all of Howard County. However, the dissenting member was concerned that the volume of activity related to Downtown would limit the Board's ability to undertake its duties in other parts of the county. A downtown project review committee could adequately monitor the impact of development and make informed recommendations to the Planning Board.

C.1 The Planning Board recommends that the County Council direct the Howard County Economic Development Authority to produce financial incentive plans and a marketing plan to attract and incentivize businesses to locate Downtown as an early implementation task. VOTE: 5 – 0.

C.2 The Planning Board encourages strategic thinking about early phase development to choose an area of focus to create a showplace with the County taking an active role. VOTE: 5 – 0.

C.3 The Planning Board recommends that the County Council receive updated fiscal impact analyses from Department of Planning & Zoning. VOTE: 5 – 0.

C.4 The Planning Board recommends that the County Council not act to create a separate, Columbia-only Planning Board, both for the sake of continuity and because Downtown Columbia is Howard County's Downtown and not just the downtown for Columbia. VOTE: 4 – 1 (Yelder)

THEMATIC RECOMMENDATIONS

To provide for easy comparison with the DCCV/GPA, the discussion in this document is organized by vision statement. Recommendations by the Board follow. The Board concurs with staff key recommendations unless specifically mentioned.

THEME 1 – MAKING A SPECIAL PLACE

Planning Board Discussion

1.1 Rouse Vision

The Board members agreed that the vision for Downtown Columbia should be that of a real city as opposed to a suburb. Specifically, that Downtown Columbia should be the cultural, commercial, and urban residential center for the County. Downtown is to be differentiated from the Village Centers; it is not to be a larger version of a Village Center. Rather, Downtown should be designed to serve all of Columbia and the County.

This vision includes the mixing of uses, increased vibrancy, a reasonable amount of residential density, improved transit, pedestrian-oriented improvements and amenities, and a wider variety of arts, cultural, and community facilities. Equally as important as the concept and goal of this vision is that Downtown should be able to maintain its competitive edge, provide for the economic growth of businesses, and provide the best possible environment for the growth of people. The questions to be considered as part of any proposal for Downtown Columbia are: How big does Downtown need to be to accomplish this vision? Is this proposal too little, too much or enough? Is the proposed residential density of 5, 500 needed or sufficient to maintain this vision? If so, should there be a separate density allocation established solely for Downtown or limited to that which currently exists under the Columbia-wide cap of 2.5, thereby limiting residential density to approximately 2,100 units. Of significant concern and discussion was the question of whether there will be sufficient infrastructure capacity to support this vision as proposed or even a modified one based on the NT zoning density cap.

To ascertain the appropriate level of future development, the Board proposed reviewing current capacity of facilities in Downtown (transportation, transit, water, sewer, etc.) and estimating what amount of development beyond existing levels could be supported. The Board considers it necessary to know if the level of existing capacity of facilities would be sufficient to provide for the vision.

In addition to determining the amount of appropriate mixed use, the Board recognizes the need to determine what type of commercial sectors may be induced to locate into Downtown. Typically, urban centers attract a variety of sectors locating in the area because of the link they have to specific industries (financial, biotech), government services (local, courts, state, college, hospitals) and cultural/visitor services. Members agreed that just providing additional commercial space will not fill Downtown; there must be a reason for businesses to locate there. This plan must prevent the departure of more businesses, eliminate existing vacancies and fill future development. While

BRAC is quickly identified as a source for commercial space tenants, firms who are unable to locate in general public areas due to security concerns will not be potential clients. Members agreed that the function was to be the commercial, cultural and urban residential center of Howard County and a regional destination by being a complete city and not an urbanized suburb.

The amount and source of residential density was discussed thoroughly. Views varied as to what was the appropriate amount of residential density for downtown and whether this amount should be limited to the amount remaining under the Columbia-wide cap of 2.5 dwelling units per acre for a total of about 2,100 units or whether downtown should be given its own density pool to allow a maximum of 5,500 units. Although there was a general consensus that additional density would be needed in downtown, the majority clarified that it only generally and conceptually considered a range of 2,100 to 5,500 units as reasonably possible to support this plan. The majority determined that infrastructure feasibility studies should be required to justify and support an increased density in this range. It was proposed that this amount could be viewed as a working number for this development process and be adjusted based the findings of the required studies and as part of the Board's recommendation to adopt a phasing plan.

The question was raised whether 5,500 units might represent the lower end of what was needed to sufficiently support the plan. Members were reluctant to identify and support a specific residential density number without knowing the amount of capacity that the infrastructure once improved could possibly support. Members agreed the number of dwelling units could be altered or even raised after redevelopment was begun provided feasibility studies determined they were needed to ensure Downtown's economic vitality and if transportation and other infrastructure improvements could be successfully provided to support the additional units.

However, with respect to the recordation and provision of residential dwelling units in Downtown, the majority of the Board was opposed to creating a Downtown density allocation (cap) separate and apart from the Columbia-wide cap of 2.5. The majority recommends that the existing number of units available (approximately 2,100 units) should be used and counted towards what is eventually needed for Downtown and were opposed to the creation of additional units above the Columbia-wide cap of 2.5 dwelling units per acre. The majority was not, however, opposed to the possibility that the 5,500 cap may be needed, but was of the opinion that critical aspects of the plan such as the extent of transit, feasibility of a third interchange, as well as traffic and infrastructure capacities needed further study to justify and support the additional density being requested. Two members fully supported the GPA's proposal to create a separate density of 5,500 solely for downtown and to preserve the existing units (2,100) for the Village Centers and the rest of

1 Columbia's use.

2 As a result of the Board's discussion of the development program, the Board concluded that
3 the process adopted should permit proposed levels of development to be reduced, if the
4 infrastructure capacity of Downtown infrastructure could not be modified to accommodate the
5 proposed program. More specifically, each phase of the proposed downtown development program
6 should only proceed if sufficient infrastructure is in place to accommodate that phase of the
7 proposed development program.

8 **1.1.A The Planning Board recommends that an ambitious vision is necessary for**
9 **the Downtown to be the center of a complete city. VOTE: 5 – 0.**

10
11 **1.1.B The Planning Board recommends that the total increases in residential and**
12 **commercial development be based on the capacity gained through**
13 **mitigations identified by the recommended feasibility studies. VOTE 5- 0**

14
15 **1.1.C The Planning Board recommends only if the supporting infrastructure is**
16 **proved sufficient, the proposed amount of commercial development program**
17 **would be reasonable. VOTE: 5 – 0.**

18
19 **1.1.D The Planning Board agrees that the amount of residential development may**
20 **need to be increased between the 2,100 dwelling units remaining under the**
21 **current New Town zoning Columbia-wide 2.5 cap and the maximum 5,500**
22 **units proposed. VOTE: 5 –0**

23
24 **1.1.E The Planning Board recommends that until the completion of the recommended**
25 **infrastructure feasibility studies the actual residential density amount should**
26 **be limited to the maximum units allowed under the current NT zoning cap for**
27 **Columbia. VOTE: 3-2 (Rosenbaum, Yelder)**

28
29 **1.1.F The Planning Board recommends that the allowed residential units for**
30 **downtown be included in current NT zoning density cap, and not be**
31 **designated as a separate Downtown density pool of 5,500 in addition to what is**
32 **remaining under the Columbia-wide cap. VOTE: 3 – 2 (Rosenbaum, Yelder).**
33

1.2 Symbols

The Board stressed the importance of preserving the former Rouse Company headquarters. Historic designation or restrictive covenants that run with the land were offered as possible mechanisms to preserve the exterior of the structure. The Board suggests that the County explore other tactics such as entering into partnership or even acquisition. Some members suggested the building could be donated to a community organization whose mission ensured preservation of the Rouse Company headquarters.

Some members stated that the Columbia Exhibit Center and the Merriweather Post Pavilion could also be donated to a community organization to ensure their preservation. Members did question, in general, how transfer of ownership of Merriweather would further the goal of preservation if deed restrictions were not placed on the property. A majority of members did not support ownership by County government for Merriweather Post Pavilion due to concerns about the potential impact it would have on the Capital Improvements budget as well as on-going operational costs, especially in difficult economic times.

Some members wanted to see the Exhibit Center preserved in a manner similar to that proposed for the former Rouse Company Headquarters, since the Exhibit Center was the place where people first came to Columbia and first saw the Rouse vision on display; thus, it's significant to those who saw the original Columbia vision, and it enjoys a view of the Lake.

The Board also supported mechanisms to preserve key pieces of public art, like the Hug Statue, statues of James and Willard Rouse and the People Tree, in its environs in the proposed Lakefront Neighborhood.

1.2.A The Planning Board recommends the preservation of Frank Gehry-designed buildings in Downtown such as the former Rouse Company headquarters and Merriweather Post Pavilion, along with key pieces of public art that are the symbols of Columbia. VOTE: 5 – 0.

1.3 Districts

The Board agreed with the principle behind staff key recommendation 4. The Board saw the inclusion of the Mall in one or more neighborhoods as vital to metaphorically breaking down the walls between the Mall and the existing residential as well as breaking them down literally in the future. Some members wanted the Mall to be its own, separate neighborhood with its own design standards. The Board agreed the heights at the Mall neighborhood should be the highest (see 1.9 Design below) and also agreed with the staff recommended height limitation of two- to four-stories for the Lakefront core. The Board stated that the Lakefront Core in the Lakefront Neighborhood

1 should be the designated cultural and entertainment center for the Downtown, which was discussed
2 further in 1.8.

3 **1.3.A The Planning Board recommends that the Mall be a separate neighborhood**
4 **and be indicated as a separate neighborhood on a revised Exhibit E.**

5 **VOTE: 5 – 0.**

6 ***1.4 Commercial Balance***

7 Members discussed how the proposed GPA did not adequately address the inter-relatedness
8 of commercial strategies for Downtown and the Village Centers. The Board stated that strategies
9 need to be proposed and adopted, so Downtown does not compete with Wilde Lake Village Center
10 and Oakland Mills Village Center. Village Centers could be an easily walk-able destination for local
11 services but must also be protected from being overwhelmed by future Downtown residents. Similar
12 to the need for affordable housing (addressed in the next section), there was also a need for a balance
13 of affordable retail opportunities. Special assessments and special taxing districts could be obstacles
14 for small operators; therefore, some allowance for local, home-grown businesses would be needed.

15 ***1.5 Diverse Housing***

16 The Board supports full spectrum housing for Downtown Columbia, expressing
17 disappointment in the GPA proposal for affordable housing, noting that a fundamental goal of
18 Columbia was to create a socio-economically diverse community. Members praised the creativity of
19 the privately-funded system but were not satisfied with the level of funding.

20 The Board agreed with staff key recommendation 8 that a zoning-based, required percentage
21 of Moderate-Income Housing Units (MIHU) should be included in the ZRA to ensure compliance;
22 however, based on public testimony received, the Board recommends that the required percentage
23 should be higher and include a broader spectrum of income levels which also included middle and
24 low income cohorts.

25 The Board reviewed sample requirements from other jurisdictions nationally which ranged
26 anywhere from 5% to a high of 30%. In Howard County, the highest MIHU requirement is 25%,
27 which applies to redevelopment of mobile home parks located in the Corridor Activity Center zoning
28 districts on the US 1 Corridor. The Board recognized that other mixed-use districts in Howard
29 County currently require a minimum of 15% MIHU for the residential portions of projects and
30 Downtown should not, at a minimum, fall below this standard but exceed it. The Board, in their
31 many discussions, agreed that there must be an ambitious affordable housing requirement for
32 Downtown to address a range of housing needs. However, the question became what is the correct
33 percentage requirement to achieve this goal? Many options were considered: a) 15% of units to be

provided for low-income households (described as 50% of the median income in Howard County or lower) and 10% for moderate-income households (51% to 80% of median); b) 7.5% for low-income, 7.5% for moderate-income, and 10% for middle-income (80% to 120% of median); c) 15% for moderate-income and 10% for middle-income; and d) 10 % each for low-, moderate- and middle-income.

The Board reviewed existing distribution of income in Howard County and noted that roughly ¼ of households earned less than 80% of median. Based on the 2000 census data available, members discussed that the percentage requirement might correspond with this census data, where 15% of County households earned 50% and below of median and 10% of County households earned between 51% and 80% of median. The Board discussed that these units could be provided on a neighborhood-basis instead of within each, individual project. Incentives, not subsidies or requirements, should be encouraged for middle-income units. Also, members did not want to see the \$5,000,000 in start-up funds removed as proposed in “option B.” The Board wanted this funding used to subsidize units for households with earnings in the lower range.

The Board identified the need for the County to explore other mechanisms to promote and encourage developers to provide additional MIHUs beyond what is required, such as bonus density in exchange for additional MIHU units, expedited review, or reducing how allocations are counted for MIHUs (e.g., by allowing MIHU units to be counted as ½ unit for the purposes of allocations).

1.5.A The Planning Board recommends that affordable housing in Downtown be required under ZRA 113 to achieve a full spectrum of housing opportunities with a minimum of 15% MIHU and distribution to be determined based on further analysis of household income distribution, gaps and feasibility. VOTE: 4 -1 (Yelder)

1.5.B The Planning Board recommends that the County Council initiate a request for an affordable housing study to determine the appropriate required percentages needed to achieve full spectrum of housing opportunities in downtown based on an analysis of household county income distribution, identifying underserved income gaps, and feasibility of implementing an ambitious affordable housing policy and requirement that exceeds the current 15% MIHU requirement in other mixed use districts. VOTE: 5 – 0

1.6 Economic Activity

As the Downtown for Howard County, Downtown Columbia must be a priority for economic development initiatives. Members suggested other small cities that had achieved a renaissance should be studied, such as Silver Spring, Bethesda or Rockville, noting these examples have transit and involved retro-fitting an existing area. Success in places like Reston may not be transferable, since Reston is smaller than Downtown Columbia and was a new initiative. Providing living spaces close to work for a critical mass was seen as key. Concerns were expressed that to be successful, Downtown would need to be a regional draw bringing in more visitors/traffic. Some preferred patterns of low-rise development in Annapolis but commented that this model also may not be transferable.

As noted previously, the question of the location of government services as a way to encourage the location of commercial tenants was raised. It was asked whether the County's government center or, alternately, the Courts should be relocated to Downtown, since this is a focal point for many cities. However, others did not want to see the government center relocated, citing that Silver Spring and Bethesda do not have such centers.

Some members suggested studying how a major center of commerce in Downtown would affect and be affected by other major centers. Also, a study of disposable income of current, future and surrounding residents in the region was suggested to determine how much disposable income would be needed to support such a commercial core. An emphasis on regionalism was suggested, and members stated that to remain viable, the vision would need to be protected. In addition to championing this plan, the County government will need to use its growth policies, tools and resources in conjunction with the private sector to protect this vision and grow it because this ambitious vision cannot be accomplished in a vacuum. For example, an expedited review process may be needed to be established to spur initial redevelopment; the allocation system across the County may need to be rebalanced so that residential units are built mostly in Downtown rather than elsewhere in the County; the multi-year Capital Improvement Plan will need to reflect the key capital projects for Downtown; and priority will need to be given to attracting economic development to Downtown over other areas in the County.

1.6.A The Planning Board recommends that the Zoning Board adopt criteria to protect the Downtown by carefully considering the comprehensive nature of potential rezoning requests for mixed-use changes in the vicinity of Downtown Columbia. VOTE: 5 – 0

1.7 Civic Life

The Board discussed that as part of GGP's commitment, the sites for new government facilities, such as a fire or police sub-station, should not only be identified in the GPA but should be donated to the County given the large increase in land value; however, for the purposes of the GPA, an exact location should not be identified, only a general area. The "option B" materials did provide such a general area for a new fire station. The Board stated that, based on comments provided by Fire & Rescue Services, the exact location should be coordinated with the Fire Chief at a later date.

1.7.A The Planning Board recommends that sites for government uses, such as a fire station, transit hub or potential school, be identified early in the phasing of development to ensure appropriate sites are available. Such sites should be donated to Howard County. VOTE: 5 – 0.

1.8 Arts & Culture

The Board agreed with staff key recommendation 10 that Merriweather Post Pavilion should be renovated in the very first phase of redevelopment. Members agreed that more arts, cultural and entertainment uses should be focused at the Lakefront, and the Lakefront should be designated as the arts and entertainment center of Downtown (but not as a state-designated "arts and entertainment district"). It was noted that public testimony did not mention the percent for art program in staff key recommendation 11.

1.9 Design

The Board discussed building height and the authority of the Planning Board to modify the heights of proposed buildings. The Board wanted to preserve flexibility at the FDP stage, so the Board would be assured of bounded discretion over lowering building heights. This should be based on compatibility, character, the heights of nearby buildings, and open spaces in the area. The Board agreed the heights at the Mall neighborhood should be the highest. Members agreed with the staff recommendation for heights of two- to four- stories for the Lakefront core.

The Board reviewed the modeling performed by DPZ for the focus group using the development program from the Charrette. The model demonstrated that the entire program could be provided in buildings ranging from 12- to 14-stories in height; however, taller buildings would provide opportunities to create signature structures and more open ground.

The Board discussed how taller buildings are typically located in the center of a downtown with heights dropping towards the edge to be compatible with surrounding low-rise neighborhoods. It was noted that height limitations were not currently specified for either the Mall or the Plaza

1 Residences site. The Board suggested the inverse of heights specified in proposed GPA Exhibit F
2 (included for reference in PB Exhibit 5), and that GPA Exhibit F be revised so that buildings
3 immediately surrounding the Mall should be the tallest with heights descending as redevelopment
4 reaches the perimeter where existing townhouses, the Lake and natural areas occur. Some members
5 suggested that the very tallest buildings should be located on top of the Mall. (See also section 1.3
6 above) Further, the Board recommends the height for the Plaza Residences site should be designated
7 as nine stories and below on GPA Exhibit F if not built pursuant to a previously approved SDP.

8 The Board would prefer to see ranges of heights for categories on GPA Exhibit F to ensure
9 flexibility and height variation for compatibility with existing neighborhoods and adjoining
10 buildings or public spaces as well as to provide variety. Approval of heights for specific
11 developments would be on a case-by-case basis for each FDP and SDP.

12 Some members noted their opposition to any proposed extension of Wincopin Circle, citing
13 that this could do harm to the Lakefront area in their opinion. Some members commented that the
14 heights proposed for the Crescent neighborhood might interfere with sunlight. Others expressed that
15 the Crescent neighborhood would be ideal for some taller buildings. Some members suggested
16 constructing a *berm* of office buildings around Merriweather Post Pavilion with a ring of residential
17 buildings behind for the Crescent neighborhood.

18 The Board supported that the Design Advisory Panel (DAP) authority for Downtown would
19 be established under separate legislation. Since DAP was created under provisions of the Howard
20 County Code (HCC), the HCC would need to be amended under separate legislation so DAP could
21 be given this authority. Separate legislation would also be needed to create a set of Downtown-wide
22 design guidelines. The Board recommended that the County Council adopt Downtown-wide design
23 guidelines, as a model for neighborhood design guidelines. The zoning regulations should reflect a
24 two-part DAP process: (1) a pre-submission review by the DAP of any proposed neighborhood
25 design guidelines prior to Board's review of the first FDP for each neighborhood; and, (2) a pre-
26 submission review by the DAP of every proposed project to offer advice to the Board before review
27 of each SDP.

28 **1.9.A The Planning Board recommends that GPA Exhibit F should include a**
29 **building height range for the Mall neighborhood. GPA Exhibit F should be**
30 **reconfigured to provide for height ranges and for the tallest buildings at the**
31 **Mall. Building heights should then gradually decrease so they correspond**
32 **with the heights of existing buildings at the periphery of the proposed**
33 **redevelopment area. The Lakefront core area should be limited to two- to**

four-stories. The project site of the Plaza Residences should be designated for nine stories or less if this development isn't constructed and the asterisk should be revised to indicate project status. VOTE: 4 – 1 (Rosenbaum).

1.9.B The Planning Board recommends that the County Council adopt specific criteria as part of ZRA 113 in order to give the Planning Board the authority to reduce the permitted height of buildings in order to promote height diversity and compatibility during the Site Development Plan review stage. These criteria would be included on the Final Development Plan and would allow limited change to building height based on the compatibility, character and height of nearby buildings and open spaces in the area. VOTE: 5 – 0.

1.9.C The Planning Board recommends that the mix of uses and the location and design of buildings within the Crescent neighborhood be planned to mitigate the potential effects of concerts at Merriweather Post Pavilion. VOTE: 5 – 0.

1.9.D The Planning Board recommends that the County Council adopt Downtown-wide design guidelines, as a model for neighborhood design guidelines, after action on this GPA and ZRA 113. Zoning regulations adopted via ZRA 113 should require: (1) a pre-submission review by the County's Design Advisory Panel of proposed neighborhood design guidelines prior to Planning Board review of the first Final Development Plan for each, new neighborhood; and, (2) a pre-submission review by the County's Design Advisory Panel of every proposed project to offer advice on applying neighborhood design guidelines prior to Planning Board review of each Site Development Plan. VOTE: 5 – 0.

THEME 2 – MOVING AND CONNECTING PEOPLE

Planning Board Discussion

2.1 Multimodal System

An urban development program such as the proposed GPA presents requires an urban grid network at the very least with multiple cross intersections. The Board affirmed that the proposed GPA provides for a multi-modal network which includes pedestrians. The "option B" materials including the new GPA Exhibit I – Bicycle Circulation Plan provides a *complete streets* framework

1 as requested by staff key recommendation 1.

2 However, the Board noted that Downtown's successful redevelopment is fundamentally tied
3 to the transforming from suburban traffic patterns to a more urban pedestrian-friendly system. The
4 Board noted that the County may need to take a leadership role through capital improvement project
5 funding, forward funding or through new regulations to facilitate road improvements, enhancement
6 of existing mass transit systems, sufficient pedestrian and bicycle systems and other yet defined
7 multi-modal systems, if they are slow to be realized or in need of coordination.

8 Connectivity between projects is critically important. Members questioned how the network
9 could be coordinated. It was determined that neighborhood-wide concept plans in earlier FDP's
10 could be the key to ensuring network connectivity.

11 Of specific concern to the Board were the transitions across major streets and the pedestrian
12 connection linking Warfield through the Mall to the Lakefront. The Board considers them not yet
13 resolved. The Board supports a more detailed, off-street pedestrian and bicycle plan be provided.
14 Furthermore, the Board noted that the County's design manuals would need to be updated to
15 accommodate new street design standards in conjunction with a separate chapter for Downtown
16 Columbia in the County's Adequate Public Facilities (APF) Act.

17 The Board carefully considered how the proposed mix use density could be impacted if the
18 plan was unable to achieve its assumptions for de-prioritizing vehicular traffic and realizing the use
19 of other modal options instead. The Board questioned how the proposed residential density would
20 adequately support the multi-modal transportation plan. According to staff, 15 to 20 residential units
21 per acre is the standard ratio to support similar transit systems. The Board noted that Downtown's
22 success is tied to a transit network that provides a diversity of service options to support uses and
23 capacity to support the development program.

24 The Board questioned the levels of residential density needed to support a regional transit
25 network for diversity of service. The proposed GPA provides for roughly 15 units per acre in
26 keeping with the traditional density of apartment land uses in Columbia. Board members remained
27 concerned that adequate density for transit may not be achievable in Downtown, since automotive
28 vehicular traffic might also increase to levels that could not be supported by the roadway network.
29 While staff and the Board noted that during the Charrette process and through testimony, strong
30 public support for transit was present; such a system would require development levels of sufficient
31 intensity to be economically viable, including residential density. The Board agreed that there was
32 sufficient support to bring transit to Columbia. Similarly, the Board clearly understood that a higher
33 residential density and mixed uses are needed to support more transit.

1 The desire to create a transit hub in Downtown was cited as a critical factor in determining
2 the residential density request of 5,500 and significant commercial uses. However, the Board found
3 it problematic that a transit plan or at least an extensive study was not done to determine the extent
4 and feasibility of how much transit (*i.e.*, Rail, bus, subway, etc.) can be realized in downtown to
5 support a transit hub. The Board considered the Columbia Association's general recommendation
6 for a County *Public Infrastructure and Amenities Plan* in order to achieve the multi-modal system
7 and network. After discussion as to what was the function of such a plan, the Board concluded that
8 feasibility study results, the Downtown Implementation Phasing Plan, the County's *Capital Budget*
9 and multi-year *Capital Improvements Program* could suffice.

10 **2.1.A The Planning Board recommends that all feasibility studies be undertaken as**
11 **scheduled in the Community Enhancements, Programs and Public Amenity**
12 **Phasing (PB Exhibit 1), since achievement of the vision depends on the**
13 **feasibility and capacity of multimodal improvements. VOTE: 5 – 0.**
14

15 **2.1.B The Planning Board recommends that the County Council require a detailed**
16 **pedestrian and bicycle plan be submitted with the first FDP. VOTE: 5 – 0.**

17 **2.2 Traffic**

18 Since the total limits on the amount of new development must be set in the zoning, the Board
19 agreed that the actual amount of development to be accommodated should take into consideration
20 both the availability of supporting transportation infrastructure and livability. The Board concluded
21 that the construction sequence for local road network improvements would need to ensure useable
22 connections. Also, proposed improvements designed to achieve *complete streets* would be necessary
23 in order to promote use of alternatives to the automobile and thus reduce levels of vehicular traffic.

24 The Board, in discussion of the petitioner's traffic study, questioned the ability of the
25 infrastructure's capacity to support the proposed plan. The Board and staff noted that numerous
26 assumptions were made for modal shifts and transit in order to divert vehicular traffic from the
27 roadways. The Board is concerned that the petitioner's traffic study is full of assumptions for modal
28 shifts (from automotive trips to pedestrian, bicycle, transit and other alternative transportation trips).
29 If the transit and modal shifts do not occur when planned or at all then the timeline for mitigation
30 would need to be adjusted. If there is not adequate vehicular traffic capacity on the roadways, then
31 the proposed development should not proceed. The determination of future capacity levels along
32 with the ongoing monitoring of traffic levels as development progresses is critical. To achieve a
33 useful, comprehensive knowledge of traffic beyond existing regulations which require new traffic

1 studies at the time development is proposed, the Board recommends establishing a regular cycle for
2 monitoring transportation activity. Specifically, the Board endorses a five-year transportation
3 assessment by DPW and DPZ to study levels of service and achievements for both vehicular traffic
4 and transit use, respectively. Concurrently, the Board also supports exploring DPW's concept to
5 measure the real time traffic, via remote monitoring of key intersections to assist in managing traffic
6 flow. Additionally, the Board highlights that changes to the Adequate Public Facility Act (APF) in
7 the form of a stand-alone section for Downtown are required in order to customize the levels of
8 service and failure thresholds for Downtown's intersections.

9 The Board discussed how the current APF Act requires developers to make improvements to
10 intersections on County-owned roadways within certain distances of their projects. The APF Act
11 does not require developer participation in funding improvements to interchanges on the regional
12 network (such as MD 29), lane widening on County roadway segments between intersections, or
13 participation in the expense of transit operations or capital costs or any other non-vehicular modes.

14 A proposed third interchange to increase the South Entrance Road access to Route 29 would
15 be the trigger to stop and or reduce development if not constructed. The Board recommends a
16 formal response from the Maryland State Highway Administration (SHA) as to the viability and
17 possibility of a third interchange at South Entrance Road and Rt. 29. The Board was unanimous in
18 its belief that the likelihood of bringing this ambitious plan as proposed to fruition was dependant on
19 not only a viable transit hub but the building of a third interchange in the vicinity of South Entrance
20 Road and Rt. 29. Staff responded that a feasibility study for the third interchange would be
21 addressed under the phasing plan. The Board noted that the feasibility study is needed since the
22 viability and possibility of a third interchange at MD 29 is unknown. The Board was unanimous in
23 its belief that three aspects are needed for success of the vision: increased transit, increased roadway
24 capacity and the feasibility and completion of the third interchange to MD 29.

25 Finally, the Board discussed a revised APF Act to include new standards for pedestrian-
26 oriented mitigation inside of the proposed area for Downtown redevelopment, while maintaining the
27 County's current level-of-service standards on the roadways immediately surrounding the area such
28 as Governor Warfield Parkway and roadways leading to Downtown such as Hickory Ridge Road.

29 **2.2.A The Planning Board recommends that a separate chapter in the County's**
30 **APF Act be adopted to include a new test and criteria for road intersection**
31 **capacity in Downtown, which specifically includes pedestrian- and bicycle-**
32 **oriented mitigation standards for a revised level of service for Downtown**
33 **intersections only (which are to be specifically identified in the APF Act), and**

1 preserves the current level of service standards for intersections immediately
2 surrounding Downtown (which are also to be specifically identified in the
3 APF Act). VOTE: 5 – 0.
4

5 **2.2.B The Planning Board strongly recommends amending current APF Act**
6 **mitigation measures to include mitigation options for improvements to**
7 **interchanges, road segments between intersections, and non-vehicular modes**
8 **of travel. VOTE: 5 – 0.**
9

10 **2.2.C The Planning Board recommends that the County formally request**
11 **Maryland State Highway Administration to study the engineering feasibility**
12 **and financial cost of expanding the existing access at South Entrance Road to**
13 **MD 29 or somewhere in the vicinity of and between the two existing**
14 **interchanges on MD 29. VOTE: 5 – 0.**

15 **2.3 Pedestrians**

16 Board members complimented the proposed GPA’s pedestrian-oriented plan. To support the
17 pedestrian plan, the Board endorses removing the constrained-intersection designations in
18 Downtown in order to provide for pedestrian-oriented improvements. Members discussed and some
19 supported a different level-of-service for roadways in Downtown to more effectively promote
20 pedestrian access. It was noted that differing levels of service for roadways within Downtown
21 (“local”) versus roadways surrounding Downtown (“commuter through traffic”) could be a solution.
22 To further pedestrian usage, the Board strongly recognizes the need for a pedestrian connection
23 between Downtown and the Villages of Oakland Mills, Wilde Lake, and Hickory Ridge as well as
24 Howard County General and Howard County Community College. The Board noted high levels of
25 community comment on this need as well.

26 A member also commented that a better design solution was needed to connect the
27 Symphony Overlook neighborhood to the Merriweather neighborhood for safer access to parking
28 during concert events and to facilitate and encourage use of Symphony Woods without the need to
29 cross Little Patuxent Parkway. A bridge or depressed pedestrian connection was suggested to
30 separate pedestrians from vehicular traffic. A similar solution was also suggested for the proposed
31 connection between the Mall and the Lakefront to facilitate and encourage greater public
32 interconnectivity between neighborhoods. All members noted that crossing Little Patuxent Parkway
33 was a concern that needed to be explored.

1 **2.3.A The Planning Board recommends that a grade-separated, wide pedestrian plaza**
2 **connect Merriweather neighborhood with the Mall at Columbia and another**
3 **grade-separated, wide pedestrian plaza connect the Mall to the Lakefront in**
4 **conjunction with depressing Little Patuxent Parkway. VOTE: 5 –0.**

5 **2.4 Transit**

6 The Board acknowledged the GPA’s emphasis on transit and the transit hub. However, the
7 Board realized that the transportation assumptions essential to support the requested higher density
8 and mixed use levels were speculative and not based on transportation/transit system feasibility
9 studies. The Board supports the concept that the greater density will support multi-modal transit,
10 but is concerned that without a plan as to what type of transit, regional or enhanced local transit, and
11 demand potential, whether the GPA’s ultimate development can be realistically supported. As
12 result, using the regional transit goal should not be the primary justification underlying the
13 redevelopment of Downtown Columbia. Therefore, the Board strongly recommends that overall
14 transit system requires further study to at least determine user demand and the potential for a
15 Downtown shuttle. This information is critical since members observed that the required number of
16 transit riders do not currently exist to support proposed transit services. Since the Board expects the
17 growth in transit use to be incremental, a plan is necessary to devise a proactive approach to
18 encourage ridership

19 With respect to the transit hub, members thought it should receive greater emphasis by being
20 the centerpiece of the plan. Members also inquired if a transit hub would be the best solution or if
21 multiple connection points or provision of a transit mall might be a better solution.

22 While the GPA’s transit plan is ambitious, some Board members recommend that the
23 proposed plan include a much greater emphasis on transit and the transit hub and that the transit hub
24 become the centerpiece of the plan. Members also recommend that the donation of the transit hub
25 site to the County would be part of making transit a major focal point (See Recommendation 1.7.A
26 above).

27 Board members also commented on the need to further evaluate local transit strategies in the
28 context of regional patterns.

29 **2.4.A The Planning Board recommends that the County authorize further study of**
30 **transit in Downtown to identify potential user demand for a Downtown**
31 **shuttle, as well as expanded local and regional commuter service, and to**
32 **determine if regional transit is necessary to support the Downtown vision**
33 **and anticipated development program. VOTE: 5 – 0.**

2.4.B The Planning Board recommends that the feasibility study for the transit hub should include evaluation of a location for a welcome center to assist arriving visitors and to act as a centerpiece of the transit hub. VOTE: 5 – 0.

2.5 Parking

Achieving the right amount of parking for Downtown was a concern to the Board. The plan contains strong and ambitious assumptions for parking (like shared agreements) and the degree of modal shifts. The Board considers it critical to optimize parking so that it is not overprovided or deficient. It will be necessary to monitor parking demands and availability. More parking may be necessary at first until modal shifts to a pedestrian oriented environment are realized. Then, less overall parking may be needed.

As the Board discussed Tax Increment Financing (TIF), some members expressed concern about the drain this might have on general revenues for other parts of the County and/or if it would burden the County with long-term commitments for infrastructure, such as garages in Downtown, at the expense of other worthwhile projects in the future. The Board recognizes that the phasing plan should include a feasibility study of the parking payment scheme and financing.

Members agreed with staff key recommendation 8 that specific design guidelines for retail in the ground floor of garages should be included.

2.5.A The Planning Board recommends that the County Council require alternate funding strategies, other than Tax Increment Financing (TIF), to be explored as a means of funding the construction of parking garages in Downtown. VOTE: 5 – 0.

2.5.B The Planning Board recommends that the County review and revise County parking regulations to balance demand and capacity so that future parking is neither overprovided (waste) nor underprovided (shortage). VOTE: 5 –0.

THEME 3 – SUSTAINING THE ENVIRONMENT

Planning Board Discussion

3.1 Green Technology

The General Plan Amendment seeks to further expand the County Executive’s initiative for incorporating green technology and improved environmental quality standards into new

development by requiring an even higher standard for Downtown Columbia's redevelopment. As such, Planning Board recommends that the difference between the green construction and operational standards for Downtown Columbia and the remainder of the County be highlighted specifically. The Board recognized that exceeding current standards is future-looking and ambitious but it is yet unknown whether the standards are economically doable. To be achieved, members stated that higher standards may need to be flexible. The Board recommends that DPZ monitor the situation for any type of difficulty that may be encountered when implementing the higher standards. As a result, DPZ may need to propose revisions to the regulations as appropriate if it is deemed necessary to maintain targeted growth rates.

Some members of the Board also stated that green technologies need to be understood within the context of developing a plan for environmental infrastructure, land use, and community amenities. It was recommended that performance indicators include the timing of green technologies.

3.1.A The Planning Board recommends that the County Council adopt standards for Downtown to encourage and incentivize exceeding the existing, required standards related to green construction for a minimum of LEED Silver for all projects. VOTE: 5 – 0.

3.2 Nature

High-quality forest and specimen trees identified by BioHabitats should be preserved. The Board noted numerous citizen testimonies concerned with the potential number of trees to be removed by the GPA, specifically in the areas of Symphony Woods. The Board supports the citizens' concerns and recommends that the trees, especially the large, mature, specimen trees, be protected such as through a tree protection ordinance. Additionally, the Board questioned the appropriateness of New Town's current reforestation exemption and recommends that the Council determines whether the exemption should be removed, particularly in light of the GPA's environmental vision.

3.2.A The Planning Board recommends that the County Council provide for the prioritization of projects and owner buy-in of environmental restoration projects in *Best Management Practices for Symphony Stream & Lake Kittamaquundi Watersheds*. VOTE: 5 – 0.

1 **3.2.B The Planning Board recommends that the County Council request submittal**
2 **of a schedule, partnership plan and funding commitment for environmental**
3 **restoration projects in *Best Management Practices for Symphony Stream &***
4 ***Lake Kittamaquundi Watersheds*. VOTE: 5 – 0.**

5
6 **3.2.C The Planning Board recommends Downtown development standards to**
7 **protect large, mature, specimen trees in Symphony Woods. VOTE: 5 – 0.**

8
9 **3.2.D The Planning Board recommends the County Council review and evaluate**
10 **whether current exemptions for New Town from the County’s forest**
11 **conservation regulations continue to serve the policies for which they were**
12 **created and whether these exemptions should be amended or eliminated.**
13 **VOTE: 5 – 0.**

14 **3.3 Central Park**

15 The Board was unanimous in their recommendation that Symphony Woods remain as a
16 “central” downtown park. Although the petitioner does not own Symphony Woods, the Board
17 envisions that the area maintain its park-like setting to encourage more use with transitions to more
18 activities at its edges. This vision includes more inviting pedestrian-friendly connections to both the
19 Mall and Merriweather Post Pavilion to encourage the greatest use of Symphony Woods as a park by
20 the public. As such, the Board recommends relocating the proposed cultural / arts facilities to the
21 lakefront area.

22 The Board does not support the petitioner’s proposal to include any office/retail or other
23 major structure in Symphony Woods except for ancillary uses to support passive and active
24 recreational uses. Specifically, a small café was suggested as a possible ancillary use to serve the
25 intended purpose that Symphony Woods remain as a park. The Board noted that final plans for
26 Symphony Woods should be decided by the Columbia Association, as the owner, noting that such
27 plans would need to be integrated with GGP’s efforts in Downtown to be effective.

28 While it was agreed that the Columbia Association needed to present its vision for Symphony
29 Woods, Board members also agreed that some parameters could be established to guide how
30 Symphony Woods evolves. The Board agreed that varying degrees of passive and active recreational
31 activities would be desirable enhancements to Symphony Woods. The Board also noted that it was
32 not opposed to the proposal of new buildings on GGP-owned land adjacent to Symphony Woods.
33

1 **3.3.A The Planning Board strongly recommends Symphony Woods be maintained**
2 **and used as Columbia’s downtown park for passive recreational uses only.**

3 **VOTE: 5-0**

4
5 **3.3 B The Planning Board recommends that there be no buildings on Columbia**
6 **Association-owned land except for ancillary use facilities, like a small café, , to**
7 **support passive recreational uses. Buildings adjacent to Symphony Woods on**
8 **GGP-owned land would be acceptable. VOTE: 5 – 0.**

9
10 **3.3.C The Planning Board recommends that pedestrian connections to the Mall**
11 **and from Merriweather Post Pavilion be improved to facilitate frequent**
12 **usage within Symphony Woods. VOTE: 5 – 0.**

13
14 **3.3.D The Planning Board recommends that the County Council request a presentation by**
15 **the Columbia Association regarding its plan for Symphony Woods. VOTE: 5 – 0.**

16
17 **3.3.E The Planning Board recommends locating the proposed new cultural facilities**
18 **at the Lakefront rather than in Symphony Woods. VOTE: 5 – 0.**

19 ***3.4 Outdoor Spaces***

20 Board members complimented the proposed design for organizing neighborhoods around
21 green spaces that would be centrally located within a five-minute walk of any location. Some Board
22 members preferred establishing a specific percentage of land for outdoor space in each neighborhood
23 rather than identifying the location of each type.

24 Board members expressed concern over access to outdoor space if an urbanized school
25 model was needed for a Downtown site. Co-locating the site with public space should be
26 thoughtfully considered to provide parity with standards employed for other school sites. Another
27 concern expressed was ensuring the proposal’s 25,000 square foot First Amendment space be
28 located in a prominent and easily accessible location. The Board did not agree with the staff
29 recommendation for an acre-to-acre replacement requirement, preferring to prohibit all but ancillary
30 use buildings outright within Symphony Woods. The Board considered and rejected reducing the
31 amount of open space acreage in Symphony Woods in exchange for enhancements. The Board
32 unanimously agreed that the quantity of open space is paramount for the reason that when quality
33 open space is lost to development its replacement may be of similar acreage but of different quality.
34 It would be too difficult to evaluate quality.

- 1 **3.4.A The Planning Board recommends that County Council adopt GPA Exhibit G**
2 **with revisions to specify a minimum acreage for amenity areas. The**
3 **tabulation of new amenity space (which is separate from NT open space)**
4 **should exclude pedestrian pathways, bicycle paths, peripheral sidewalks,**
5 **alleyways, private streets and public rights-of-way. VOTE: 5 – 0.**
6
- 7 **3.4.B The Planning Board recommends that GPA Exhibit G (PB Exhibit #5) designate**
8 **the site to be donated to the County for the First Amendment space. VOTE: 5 – 0.**
9
- 10 **3.4.C The Planning Board strongly supports preservation of the quantity of open**
11 **space in Downtown, rejecting the proposal for the reduction of open space in**
12 **exchange for enhancement projects within other open space. VOTE: 5 – 0.**
13
- 14 **3.4.D The Planning Board recommends that existing open space designated on**
15 **FDP's must retain its open space classification and is different from new**
16 **amenity space. VOTE: 5 – 0.**
17
- 18 **3.4.E The Planning Board recommends adoption of neighborhood-based minimum**
19 **standards for amenity spaces for new development. Amenity space placement**
20 **should be located throughout neighborhoods to provide a balanced**
21 **distribution of spaces and to offer and include reasonable and adequate**
22 **public access to all amenity spaces. VOTE: 5 – 0.**
23
- 24 **3.4.F The Planning Board supports flexibility in the exchange of amenity space**
25 **with adopted criteria for the design of each neighborhood. VOTE: 5 – 0.**
26
- 27 **3.4.G The Planning Board recommends that the County Council require that the**
28 **proposed, County-owned, amenity space (the First Amendment space) be**
29 **prominently located and easily accessible to the public. VOTE: 5 – 0.**
30
- 31 **3.4.H The Planning Board recommends, if a school site is required, that an urban**
32 **model be carefully sited to address facility equity issues and to meet active**
33 **recreation requirements of the curriculum. VOTE: 5 – 0.**

THEME 4 – BALANCING AND PHASING GROWTH

Planning Board Discussion

4.1 General Plan

As indicated in the General Recommendations, the Board discussed the future of the GPA in light of the upcoming General Plan update, noting that the Downtown GPA would likely remain as a stand-alone chapter. Members requested that the update of *General Plan 2000* be coordinated with the GPA to preserve its enforceability and the implementation requirements. Members also expressed concern over future updating of the GPA. If the GPA were a stand-alone chapter, then it should be on a different schedule and should be updated on a different cycle for efficiency and predictability.

Note: For Board recommendations please refer to the *Implementation* section on pages 7-8.

4.2 Phasing

After discussing the benefits and shortcomings of a time centric versus an accomplishment/benchmarks approach for phasing, the Board unanimously agreed that using a benchmarks approach would be best to determine the flow of redevelopment. Benchmarks are superior to a calendar-based system as a mechanism for implementing the vision because they permit for definitive outcomes being required prior to proceeding (which addresses citizen concerns about enforceability and ensuring the County receives what is promised) as well as allowing for market flexibility, as it may be some time before markets recover.

Since knowing the amount of infrastructure capacity is critical for determining the level of total development potential, the infrastructure feasibility studies recommended in the GPA should be undertaken as soon as possible. These studies should assess the current infrastructure (roads, water, sewer, alternative transportation modes, etc.) capacity in Downtown as well as the degree possible for additional capacity improvements. From this information, members recommend developing a critical path analysis to address sewers, sidewalks, schools, police, fire, open space, etc. The critical path would outline what projects must be completed before other projects could be undertaken in order to coordinate the overall redevelopment.

Given citizen and Board concerns about whether the potential pace of redevelopment would occur at such a rate as to overwhelm existing residents and businesses, the Board recommends the attached Planning Board Phasing Chart (PB Exhibit 1) which was developed over five work sessions. The chart uses the achievement of benchmarks rather than length of time to ensure amenities and infrastructure are in place when needed.

In addition, one Board member endorses the assignment of a percentage of the total possible

development to each phase along with caps of residential and commercial development in any given phase so that one does not vastly outweigh the other. The intent would be to build appropriate increments of development in each phase to ensure a sufficient amount of synergistic development occurs to spur additional development without overwhelming resources. Suggested stages included: 1) foundational preparation and studies, 2) initial development take off, 3) synergy development, and 4) development program close out.

With the adoption of a Phasing Plan by Council as part of the GPA, ZRA language would need to require the inclusion of the phasing plan in the first FDP submitted for each neighborhood. In this way, the Board could modify the phasing plan over time, since it would become part of the FDP review process. The Board suggested the following be included in the ZRA as additional criteria for the Board in evaluating amendments to a FDP-based phasing plan:

1. Would the current market or other conditions/opportunities merit modification to phasing?
 2. If the schedule for completion were delayed, would there be adverse effects to be avoided?
 3. How would an alternate improvement and/or alternative action of similar intent be provided?
 4. What would the proposed indicator for completion be (refer to columns in PB Exhibit 1)?
- Additional reflection by the Planning Board on potential criteria would be forthcoming for ZRA 113.

The Planning Board strongly recommends the need for specific language in ZRA 113 to grant the Board this authority. Members discussed the potential for the Planning Board's authority to require bonds, to identify and modify benchmarks, and to lower the allowable building heights. Members agreed that flexibility at the FDP stage would be vital, so that as markets changed, the Board could alter succeeding FDP's to correspond with changing needs.

4.2.A The Planning Board recommends that the County Council adopt and include a phasing plan as revised (see PB Exhibit 1 attached) in order to ensure and require the provision of proposed amenities in a coordinated manner with construction of new development. VOTE: 5 – 0.

4.2.B The Planning Board recommends that the County Council request a critical path analysis, to be prepared before the initial Final Development Plan, for the review of and approval by the Planning Board. VOTE: 5 – 0.

4.2.C The Planning Board recommends that the County Council adopt language in ZRA 113 to create a process for phasing flexibility including specific criteria, so Planning Board can adjust the location, timing and order of the Council-

1 adopted GPA phasing plan, if Planning Board so determines that a change to
2 phasing or the residential/non-residential balance is needed. Criteria should
3 evaluate amendments to a FDP-based phasing plan as follows: (1) would the
4 current market or other conditions/opportunities merit modification to
5 phasing? (2) If the schedule for completion were delayed, would there be
6 adverse effects to be avoided? (3) How would an alternate improvement
7 and/or alternative action of similar intent be provided? (4) What would the
8 proposed indicator for completion be (refer to columns in PB Exhibit 1)?
9 VOTE: 5 – 0.

10
11 **4.2.D** The Planning Board recommends that specific criteria should address both
12 amenities within a phase and the boundaries between phases. VOTE: 5 – 0.

13
14 **4.2.E** The Planning Board recommends that documentation of benchmark
15 achievement would be presented to, evaluated and certified by the Planning
16 Board via a public meeting. To transition from one phase to another, the
17 Planning Board would have to certify the completion of the earlier phase.
18 VOTE: 5 – 0.

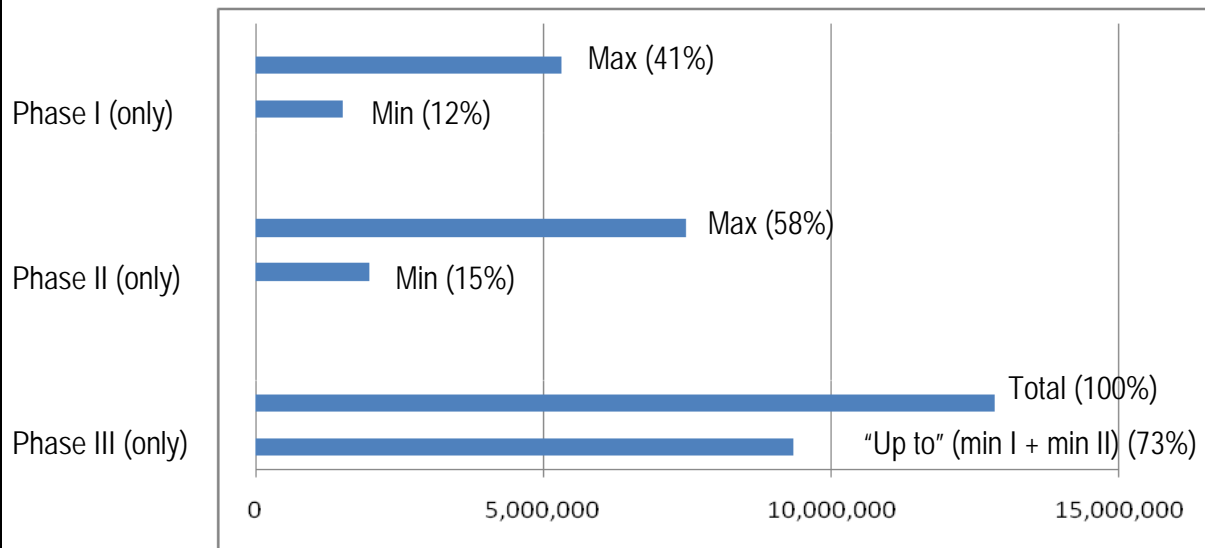
19
20 **4.2.F** The Planning Board supports sufficient new development to be a catalyst to
21 encourage use of existing capacity, but not to overwhelm the quality-of-life for
22 those living in Downtown. The phasing should not be too slow to generate
23 development momentum and synergies nor so fast as to overwhelm
24 infrastructure capacity. Therefore, the Board strongly recommends that no
25 aggregate development be allowed to exceed existing capacity levels until the
26 feasibility studies, specifically the need for a third interchange on Route 29 be
27 completed. VOTE: 5 – 0.

28
29 **4.2.G** The Planning Board recommends that the County Council adopt language in
30 ZRA 113 to create a process for the transfer and incorporation of elements of
31 the Council-adopted GPA phasing plan by the Planning Board into the initial
32 and all subsequent Final Development Plans for Downtown. VOTE: 5 – 0.
33

Additional Analyses

The Board recommended including the following information which incorporates the revised development program suggested in the materials submitted on January 22, 2009. The development program as proposed by GGP is not cumulative except under Phase III where the “Up To” column indicates the remainder of the development program available after subtracting the minimum program for the first two phases from the total development program proposed. The chart and figure below are intended to clarify those figures being proposed in the materials submitted as testimony on January 22, 2009.

GGP's Proposed Phasing Ranges



Construction in gross square feet for minimums and maximums proposed.

Notes: PB Exhibit 1 divides GPA Phase I into the three phases related to CEPPAs (I-A, I-B and I-C), since all of the proposed CEPPAs would be scheduled by the end of Phase I below. For your reference, GGP's optional Phasing Plan from materials submitted on January 22, 2009 is provided below. GGP indicated that residential units are assumed as 1,200 gross square feet and hotel units are 1,073 gross square feet each including lobby and ancillary space.

| ADDITIONAL DEVELOPMENT RIGHTS | | | | | | | | | | |
|-------------------------------|---------------|---------|-----------|----------|---------------|---------|-----------|-----------|---------------|-----------|
| PHASE I | | | | PHASE II | | | | PHASE III | | TOTAL |
| | Use Type | Min | Max | | Use Type | Min | Max | | Use Type | Up To |
| | Retail (gsf) | 193,270 | 676,446 | | Retail (gsf) | 129,270 | 573,554 | | Retail (gsf) | 927,459 |
| | Office (gsf) | 432,569 | 1,513,991 | | Office (gsf) | 787,536 | 2,756,375 | | Office (gsf) | 3,079,896 |
| | Resid (units) | 656 | 2,296 | | Resid (units) | 786 | 3,204 | | Resid (units) | 4,058 |
| | Hotel (rooms) | 100 | 350 | | Hotel (rooms) | 100 | 290 | | Hotel (rooms) | 440 |

Totals = 1,520,339 to 5,321,187 gsf

1,967,306 to 7,485,899 gsf

9,349,075 to 12,836,720 gsf

4.3 Monitoring

The Board discussed how phasing would be monitored and enforced. Members noted that phasing would be tracked via the Planning Board's approval of FDP's and SDP's. Each FDP would include an overview of progress to date as compared to benchmarks in the GPA phasing plan. Also, a five-year monitoring report could measure construction completed for different types of land uses, infrastructure and the amenities provided, while a five-year transportation monitoring report could compare traffic study assumptions with measured outcomes (see also Section 2.2). It is suggested that the annual Development Monitoring Report could be utilized to monitor development plans on an annual basis. In order to monitor progress, existing processes would also be used for tracking (*i.e.*, Development Monitoring System Report and General Plan Monitoring Report).

Monitoring of the general plan should also be coordinated with the GPA, so timelines will provide the desired five-year assessments in Downtown.

4.3.A The Planning Board recommends that the County Council adopt additional criteria for reviewing Final Development Plans and Site Development Plans, so the Planning Board may both permit flexibility and require accountability of each individual project in the context of the surrounding development and make its determinations on an incremental, case-by-case basis. VOTE: 5 – 0.

4.3.B The Planning Board recommends that the County Council require that DPW and DPZ review the progress of development, the provisions of amenities and progress towards achievement of transportation and transit goals via regular, five-year assessments of transportation and transit. VOTE: 5 – 0.

4.3.C The Planning Board recommends that Planning Board hold a public meeting to review the monitoring report and to determine when each phase is complete. VOTE: 5 – 0.

THEME 5 – INVOLVING EVERYONE

Planning Board Discussion

5.1 Participation

Notwithstanding concerns expressed in the general plan process discussion above (pp. 3-5), the Board acknowledged that the proposed GPA could provide for a much greater level of development detail via earlier public input in the process than current New Town zoning. Citizen involvement may facilitate refinements and thus greater support for the proposal. Additionally,

1 members noted that the FDP would address site layout and include design guidelines for future SDP
2 submittals, while the SDP would address specific buildings designed to comply with the design
3 guidelines adopted by the Board as part of an approved FDP for a neighborhood.

4 Members observed that it would be very important for the proposed FDP's for
5 neighborhoods or portions of neighborhoods to provide for integrated infrastructure. While a
6 neighborhood-wide FDP could provide for greater detail, it may not always be feasible to do so. A
7 Neighborhood Concept Plan could outline a neighborhood-wide design for public input in instances
8 where property owners did not have control over all of the land in a given neighborhood. The
9 Neighborhood Concept Plan would be a new tool, and the ZRA should include this as a requirement
10 under the criteria to be proposed for future FDP's in the ZRA.

11 **5.1.A The Planning Board recommends that the County Council adopt language in**
12 **ZRA 113 to require that the first Final Development Plan for a neighborhood**
13 **may include a Neighborhood Concept Plan to promote coordination among**
14 **different owners' development plans. VOTE: 5 – 0.**

15 ***5.2 Collaboration (among private property owners, Howard County and Columbia Association)***

16 There was much discussion of the proposal for six, privately-operated entities that would be
17 responsible for various implementation tasks, *i.e.*, affordable housing, arts and cultural facilities,
18 transit and transportation, sustainability, management, and overall, property-owner collaboration.
19 Members requested further study of organizational options early in the implementation phasing plan,
20 so the most effective organizational structure would be in place and operational when needed.

21 The Board expressed concern that although the amount of funding proposed for the various
22 entities might be sufficient to cover organizational operating costs, it would be insufficient to
23 achieve their missions. Also, some members inquired how the implementation of targets and goals
24 for these organizations would be monitored for accountability and relevant data collected. Some
25 members suggested that there should be fewer organizations. Some members suggested that
26 functions of these entities could be incorporated into existing branches of County government and/or
27 be overseen by newly-created County boards, panels and/or committees. Further Council
28 consideration was suggested.

29 **5.2.A The Planning Board recommends that the County Council consider alternate**
30 **strategies and entities, other than the six, privately-operated entities as**
31 **proposed, to implement affordable housing, arts and cultural facilities,**
32 **transportation and transit, sustainability, management and collaboration.**
33 **VOTE: 5 – 0.**

1 **5.2.B The Planning Board recommends that the County Council require all private**
2 **implementing organizations to submit annual financial reports, independent**
3 **audits, lists of board members, and activity and meeting reports to the**
4 **County. VOTE: 5 – 0.**

5
6 **5.2.C The Planning Board recommends that the County Council further define the**
7 **role of DPZ in the reporting and monitoring of the Downtown. DPZ should**
8 **function as a clearinghouse for reports by private entities and be the**
9 **custodian of documents to be made available to the public. VOTE: 5 – 0.**

10
11 **GPA EXHIBITS – REVIEW OF EXHIBITS MODIFIED IN “OPTION B” MATERIALS**

12 ***Planning Board Discussion***

13 The Board stated GPA Exhibits should be illustrative and not specific. The Board
14 recommends the revisions to various Downtown GPA Exhibits (refer to attached maps in PB Exhibit
15 5) as follows:

16 Maps:

- 17 • A (Boundary) and B (Ownership), as revised, were found to be generally acceptable;
- 18 • C (Street & Block Plan) should include the location of the proposed pedestrian and transit
19 bridge over MD 29, the existing South Entrance Road access and/or the third interchange;
- 20 • D (Illustrative Master Plan) should be changed to show no buildings in Symphony
21 Woods since the Board opposes major buildings in Symphony Woods;
- 22 • E (Neighborhoods) shows the Mall as integrated into the three adjoining neighborhoods,
23 which could be an acceptable alternative to a separate Mall neighborhood; however, the
24 boundaries of the Lakefront core area as delineated in option B would not be acceptable;
- 25 • F (Building Heights Zones) shows the Plaza Residences site without a height range.
26 Besides changes identified in earlier recommendations, the Board recommends
27 modifying this map to indicate that if the approved plan for the Plaza Residences were
28 not constructed as approved (for whatever reason), the height restriction for this area
29 would be the same as surrounding properties and shown as such (please refer to Planning
30 Board Recommendation 1.9.A);
- 31 • G (Amenity Space Framework Diagram) should be changed to show no buildings in
32 Symphony Woods since the Board opposes major buildings in Symphony Woods;
- 33 • H (Street Framework) should include the improved access for the third interchange;

- I (Bicycle Circulation) and J (General Plan Transportation Policies Map) were found to be acceptable; however, a more detailed bicycle circulation plan should be submitted as part of the first FDP (please refer to Planning Board Recommendation 2.1.B).
- The following supplemental documents were submitted to the Planning Board with GGP's General Plan Amendment. The documents served multiple purposes such as reference materials, potential guidelines, and draft legislation. The reference documents were reviewed by not evaluated by the Board were:
 - Generalized Traffic Study
 - Generalized Traffic Study Technical Appendix
 - Best Management Practices for Symphony Stream and Lake Kittamaqundi Watersheds
 - Merriweather & Crescent Environmental Enhancements Study
- Design Guidelines

The Board supports the ideas in concept given the recommendations made on height, development intensity, and the revised use of Symphony Woods. The Board further recommends that DPZ draft design guidelines for adoption.
- Sustainability Framework

If DPZ considers this a purposeful and useful tool, then the Board supports its use as a way to guide the restoration and development, noting, however, that the Community Framework section may require additional staff effort.
- Adequate Public Facilities Amendment

The Adequate Public Facilities Amendment submitted should not be adopted at this time given that it has not been evaluated by either DPZ staff or the Board pending the adoption of the specifics in the GPA. Then, DPZ should submit revisions to the Adequate Public Facilities Ordinance implementing the new policies for Council's adoption.

6.1.A The Planning Board recommends that the County Council accept the revised GPA Exhibits (refer to the select maps attached as part of PB Exhibit 5) with changes per previous recommendations above.

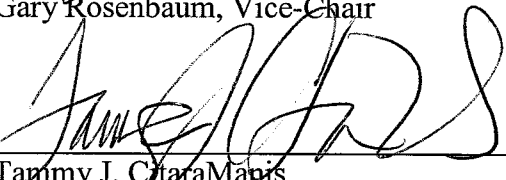
VOTE: 5 – 0.

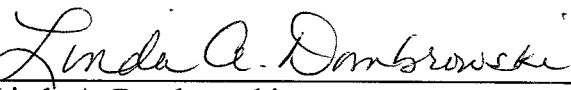
1 Tammy J. CitaraManis made the motion *to recommend approval of the proposed*
2 *General Plan Amendment for Downtown Columbia, which was submitted with the proposed ZRA*
3 *113, with the above recommended changes to the proposed General Plan Amendment for*
4 *Downtown Columbia.* Paul Yelder seconded the motion. The motion passed by a vote of 5 – 0.


6 HOWARD COUNTY PLANNING BOARD

7
8 
9 David Grabowski, Chair

10
11  DPC
12 Gary Rosenbaum, Vice-Chair

13
14 
15 Tammy J. CitaraManis

16
17 
18 Linda A. Dombrowski

19
20 
21 Paul Yelder

22
23
24 ATTEST:

25
26
27 Marsha S. McLaughlin, Executive Secretary

Community Enhancements, Programs and Public Amenity Phasing Physical Improvements and Major Programs

PB EXHIBIT 1

POST-APPROVAL / PRE-CONSTRUCTION

| Ref # | CEPPAs | TO BE COMPLETED BY / BEFORE | POTENTIAL, ALTERNATE TIMING | INDICATORS |
|--------------|--|---|---|--------------------------------------|
| DPZ Added | Complete sustainability framework, APF amendments, Design Advisory Panel (DAP) amendment and design guidelines | | Prior to submission of first FDP | Council adoption |
| R – 1 | Establish the Columbia Town Center Sustainability Association (CTCSA) for Columbia Town Center within 12 months after approval of this Amendment. [<i>Restoration</i>] | Within 12 months after approval of the Amendment. | | Appointment of majority of the board |
| R – 2 | Preparation of the Columbia Town Center Sustainability Program will be initiated within 2 months after approval of this Amendment. [<i>Restoration</i>] | | Prior to submission of first FDP | Accepted by Planning Board** |
| DPZ Added | Develop phasing schedule for Environmental Restoration projects and initiate first phase | | Within three years of enacting ZRA 113 | Presentation to Planning Board |
| C – 2 | Define, organize and establish initial funding for the Transportation Management Association for Columbia Town Center. [<i>Connectivity</i>] | Within 6 months after approval of the first non-appealable FDP under the Amendment. | Within 12 vs. 18 months of enacting ZRA 113 | If Council funds in Capital Budget |
| DPZ Added | Complete feasibility study for transit hub and Downtown shuttle to determine phasing schedule.* | | Within five years of enacting ZRA 113 | Final Report to DPZ /public |
| DPZ Added | Complete feasibility studies for three MD 29 interchanges to determine traffic capacity, phasing and funding responsibilities.* | | Within 5 years of enacting ZRA 113 | Final Report to DPZ/public |
| C – 9 | Prepare a proposed design to enhance the pedestrian connection over Rt. 29 connecting to Oakland Mills, including short and long-term potential bicycle and transit improvements, and should suggest funding mechanism(s) for its implementation.* [<i>Connectivity</i>] | Before submission of the first Final Development Plan submission for revitalization of property in the Lakefront Neighborhood. <i>Note: Construction may not be tied to Lakefront</i> | Within 5 years of enacting ZRA 113 | Final Report to DPZ/public |

* - indicates that Howard County and MDOT have a role in study completion

** Design standards to be submitted to Planning Board with first FDP; Community outreach, education and stewardship to be presented to Planning Board independently

| Ref # | CEPPAs | TO BE COMPLETED BY / BEFORE | POTENTIAL, ALTERNATE TIMING | INDICATORS |
|-----------|--|--|--|--|
| Cu – 1 | Establish the Columbia Town Center Cultural Commission (CTCCC). <i>[Culture]</i> | Within 2 months after approval of the first Site Development Plan under this Amendment. | Within 12 to 18 months of enacting ZRA 113 | Appointment of majority of the board |
| DPZ Added | Physical redevelopment of Merriweather Post Pavilion. | | Within 5 years of enacting ZRA 113 | Construction (renovation) complete |
| DPZ Added | Evaluate options for preservation of GGP headquarters building including historic designation and to determine phasing schedule | | Within 2 years of enacting ZRA 113 | Report to DPZ / public |
| DPZ Added | Preparation of an Arts & Cultural Plan by the Columbia Town Center Cultural Commission (CTCCC). | | Within 5 years of enacting ZRA 113 | Report to DPZ /public |
| I – 1 | Establish the Columbia Town Center Partnership (CTCP). <i>[Inclusion]</i> | Before issuance of any building permit for the 1 st square foot of net new development. | Within 2 vs. 5 years of enacting ZRA 113 | Appointment of majority of the board |
| I – 2 | Establish the Columbia Town Center Management Association (CTCMA). <i>[Inclusion]</i> | | | Appointment of majority of the board |
| I – 3 | Identify a location for a new Howard County Fire Station site. Identify need and potential locations for a new Howard County police substation. <i>[Inclusion]</i> ; identify potential location for urban prototype elementary school; identify solution for urban prototype library in the current or a new location | Before issuance of any building permit for the 1 st square foot of net new development. | Fire – 1 year Police, school, and library – 5 years from enacting | Identify in Capital Improvements Program |
| C – 4 | In connection with the first FDP under this Amendment, prepare and gain County approval of a Comprehensive Sign Plan to include Town Center gateway, building identification, vehicular and pedestrian directional and commercial signage criteria in Town Center. <i>[Connectivity]</i> | Before issuance of any building permit for the 1st square foot of net new development. | Prior to submission of first FDP | Present Plan to DPZ / public |

| Ref # | CEPPAs | TO BE COMPLETED BY / BEFORE | POTENTIAL, ALTERNATE TIMING | INDICATORS |
|-----------|--|--|--|--|
| C – 1 | Complete construction, or post sufficient security with the County to assure the completion of construction, of the Lakefront Terrace (steps to the lake) [<i>Connectivity</i>] | Before issuance of any building permits for the 1,302,716 th square foot of net new development. ¹ | Before issuance of any building permits for the 1,300,000 th square foot of net new development | Final inspection passed or security posted |
| C – 3 | Provide a location for the Town Center Transit Center. [<i>Connectivity</i>] | | | Deed or lease |
| C – 5 | Complete construction, or post sufficient security with the County to assure the completion of construction, of the Lake Kittamaqundi Perimeter (loop around the lake) Pedestrian and Bikeway path and Improvements. [<i>Connectivity</i>] | | | Final inspection passed or security posted |
| C – 6 | Complete construction, or post sufficient security with the County to assure the completion of construction, of the Lake Kittamaqundi to the Crescent and Merriweather Pedestrian and Bikeway path and Improvements. [<i>Connectivity</i>] | | | Final inspection passed or security posted |
| R – 3 | Fund and or complete restoration work identified in the <i>Merriweather & Crescent Environmental Enhancement Study</i> submitted with this Amendment. [<i>Restoration</i>] | | | Final inspection passed or security posted |
| DPZ Added | Identify options/phasing for connecting The Mall to Symphony Woods and Lakefront Core | | | Report to DPW / public |
| DPZ Added | Neighborhood-based improvements including water, sewer, internal & frontage roads, APFO-requirements, storm water mgmt., open space, public art and affordable housing. | | Phasing established by the FDP for each area to ensure adequate capacity and connectivity. | Planning Board approval of FDP and implementing SDPs |

¹ Under the GPA's three phase development program, Phase I includes a total net new development target of 3,908,148 sf (for office, retail, residential and hotel uses, with each net new dwelling unit = 1,200 sf). Accordingly, improvement 1 and any improvement with a completion cap of 1,302,716 will be completed before approximately one-third of Phase 1 is completed

| Ref # | CEPPAs | TO BE COMPLETED BY / BEFORE | POTENTIAL, ALTERNATE TIMING | INDICATORS |
|-----------|--|---|--|--|
| C – 7 | Complete construction, or post sufficient security with the County to assure the completion of construction, of the Town Center to Howard Community College Pedestrian and Bikeway path and Improvements. [Connectivity] | Before issuance of any building permit for the 2,605,431 st square foot of net new development. ² | Before issuance of any building permit for the 2,600,000 th square foot of net new development. | Final inspection passed or security posted |
| C – 8 | Complete construction, or post sufficient security with the County to assure the completion of construction, of the Wilde Lake to Town Center Pedestrian and Bikeway path. [Connectivity] | | | Final inspection passed or security posted |
| C – 10 | Complete construction, or post sufficient security with the County to assure the completion of construction, of the Oakland Mills to Town Center Pedestrian and Bikeway path and Improvements. [Connectivity] | | | Final inspection passed or security posted |
| DPZ Added | Neighborhood-based improvements including water, sewer, internal & frontage roads, APFO-requirements, storm water mgmt., open space, public art and affordable housing. | | Phasing to be established by the FDP for each area. | Planning Board approval of FDP and implementing SDPs |

² Under the GPA's three phase development program, Phase I includes a total net new development target of 3,908,148 sf (for office, retail, residential and hotel uses, with each net new dwelling unit = 1,200 sf). Accordingly, improvement 7 and any improvement with a completion cap of 2,605,431 will be completed before approximately two-thirds of Phase 1 is completed

PHASE I – C

PB EXHIBIT 1

| Ref # | CEPPAs | TO BE COMPLETED BY / BEFORE | POTENTIAL, ALTERNATE TIMING | INDICATORS |
|-----------|--|--|--|--|
| Cu – 3 | Transfer of ownership of Merriweather to the private non-profit arts organization. [<i>Culture</i>] | Before issuance of any building permit for the 3,908,149 th square foot of net new development. | Before issuance of any building permit for the 3,900,000 th square foot of net new development. | Record deed covenant |
| DPZ Added | Ensure continuation of Merriweather Post Pavilion | | | Record appropriate legal document (e.g., covenant) |
| Cu – 4 | Prior to completion of Phase I at least one Downtown Community Common as defined in section 103.A. of the Zoning Regulation Amendment shall be deeded to Howard County for Public Land. [<i>Culture</i>] | | | Dedicated to Howard County |
| DPZ Added | Phasing of neighborhood-based improvements including water, sewer, internal & frontage roads, storm water mgmt., open space, public art and affordable housing APFO-requirements. | | Phasing to be established by the FDP for each area. | Planning Board approval of FDP and implementing SDPs |

PHASES II and III

| Ref # | CEPPAs | TO BE COMPLETED BY / BEFORE | POTENTIAL, ALTERNATE TIMING | INDICATORS |
|-----------|---|-----------------------------|--|--|
| DPZ Added | Transit hub, transit shuttle | | Components and phasing to be determined based on feasibility studies | Hub constructed; shuttle operational |
| DPZ Added | Interchange improvements | | | Improvements completed |
| DPZ Added | Phasing of neighborhood-based improvements including water, sewer, internal & frontage roads, storm water mgmt., open space, public art and affordable housing APFO-requirements. | | Phasing to be established by the FDP for each area. | Planning Board approval of FDP and implementing SDPs |

April 30, 2009

PB EXHIBIT 2

To: The Planning Board

From: Paul T. Johnson
Deputy County Solicitor

Subject: Advice of Counsel on General Plan Questions

At the April 13, 2009 work session of the Planning Board on ZRA 113 and the proposed General Plan amendments, I was asked two questions pertaining to general plans (sometimes called “master plans” or “comprehensive plans”):

1. How specific are general plans required to be? ; and
2. How enforceable are general plans required to be?

At this point, I am going to be very brief in answering your questions, especially question 2) because the General Assembly has just passed legislation, which is not effective until July 1, 2009, that changes the rules with respect to the “consistency” requirements in Maryland (I have attached a copy of this bill, House Bill 297 to the e-mail to which this memo is also attached). At this point, the ramifications of that legislation have not been completely evaluated. I will follow up with more complete information as it becomes available and/or developed.

Specificity

The simple answer to the first question is that general plans may be as specific or general as desired by the policy-makers. While State law requires that a number of planning “visions” be implemented and “elements” be included by planning agencies in making recommendations on proposed general plans, it does not specify how specific a general plan is required to be in terms of its actual provisions. The “visions”, which are to be implemented in the general plans, have also been changed, effective October 1, 2009 by Senate Bill 273 (a copy of this bill is also attached to the e-mail). However, these “visions” while general, not specific, in nature, would not prohibit the inclusion of very specific plan elements in a general plan.

Consistency

As to the consistency required of various implementing actions of local government with the general plan that is adopted, the rules have recently been changed by House Bill 297, although it is not effective until July 1, 2009, and it is not entirely clear how those changes will be interpreted or applied.

Prior to the adoption of this legislation, case law in Maryland, recently reaffirmed in Trail v. Terrapin Run, LLC, 403 Md. 523, 943 A.2d 1192 (2008), had interpreted general plans to be only guides for zoning decisions and conditional use decisions absent more specific “consistency” requirement language.

House Bill 297 states that its “legislative intent” is to “overturn” the Terrapin Run case. Specifically, the legislation defines “consistency” to be actions that “further, and are not contrary to” various items in the plan, including “policies, timing of implementation of the plan, timing of development, timing of rezoning, development patterns, land uses and densities or intensities”. The latter two items, “land uses and densities and intensities” are exempted in the legislation from the consistency requirement in Priority Funding Areas so as to encourage mixed uses and densities beyond those specified in the general plan. Howard County’s Priority Funding Area is its Planned Service Area, which would include downtown Columbia.

I would be happy to discuss these matters further with you and/or provide more detailed follow-up advice to you. However, I wanted to send something to you prior to your meeting tonight.

This is ongoing legal advice, not a formal opinion of the County Solicitor, subject to the attorney-client privilege, which, of course, may be waived by the client.

June 19, 2009

PB EXHIBIT 3

To: Howard County Planning Board

From: Paul T. Johnson
Deputy County Solicitor

Re: GPA and ZRA 113- Confidential Legal Advice -Subject to Attorney-Client Privilege

The Planning Board has asked that I provide legal advice on the three questions stated below. The first two of the three questions concern bankruptcy matters. Bankruptcy is a very specialized area of practice, and I am not a bankruptcy law expert or even an occasional practitioner. However, I have discussed these issues with Jay Shulman, an experienced bankruptcy attorney/consultant recently hired by our office, prior to answering these questions.

I will provide a brief outline of bankruptcy law as a prelude to addressing your questions.

Bankruptcy Basics

There are two different kinds of bankruptcy petitions which could be applicable to a bankruptcy filed by non-individual entities such as HRD/GGP- Chapter 7 and Chapter 11 bankruptcy petitions. Chapter 7 bankruptcies are complete liquidations, in which the debtor relinquishes all control of its assets to a trustee, and the goal of the bankruptcy is to pay off creditors and to end the business of the entity that filed for bankruptcy. Chapter 7 petitions proceed quickly.

To the best of our knowledge, none of GGP's bankruptcies filed nation-wide have been Chapter 7 petitions- they have all been Chapter 11 petitions.

Chapter 11 Bankruptcy Petition

Bankruptcy petitions filed under Chapter 11 of the Bankruptcy Code give a debtor the flexibility to either try to reorganize its business, or to eventually liquidate itself. In a Chapter 11 bankruptcy, ordinarily the debtor, not a trustee, remains the controlling party of both its property and the bankruptcy case. A trustee may be appointed and take control from the debtor for "cause", including certain specified wrongdoing.

The goal of a bankruptcy court in Chapter 11 reorganization is to confirm/approve a Plan, which satisfies and discharges all debts, and accepts or rejects all contracts.

If a Chapter 11 Bankruptcy ends in Chapter 7-like liquidation, a non-individual debtor remains theoretically liable for its debts (although a creditor would have little success in pursuing a business that no longer exists and whose assets had been liquidated). If a non-individual debtor (like HRD/GGP) has its plan of reorganization confirmed by the court, with some exceptions, it would be discharged from all of its pre-petition debts except for the form of payment required by the plan. The Bankruptcy Code specifies the treatment of certain types of claims. For example, most taxes must be paid in full.

Filing of the Bankruptcy Petition- Automatic Stay

The filing of a voluntary bankruptcy petition triggers an automatic stay under Section 362(a) of the Bankruptcy Code. The automatic stay is an injunction against most litigation and other actions relating to the debtor's property. There are exceptions to the stay provided for in Section 362(b) of the Bankruptcy

Code. In particular and most importantly, Section 362(b)(4) provides that the automatic stay does not apply to a government enforcing its police and regulatory powers (this would include planning and zoning). The process for obtaining relief from the automatic stay are provided for in Sections 362(d) and (e) of the Bankruptcy Code. The automatic stay terminates when the bankruptcy plan is confirmed or denied, and would also terminate as to a debtor's property if that property ceased to be part of the bankruptcy estate.

Executory Contracts

Under Section 365 of the Bankruptcy Code, a debtor is given the choice of accepting/assuming or rejecting executory contracts (agreements which have material obligations due by both parties), up until the hearing on the confirmation plan, and the debtor is not obligated to perform during the period in which it has to decide whether to accept the contract or not. The non-debtor party (this could include the County) could ask that the court order an earlier decision on acceptance or rejection of the contract based on good cause shown, including harm in the delay.

A debtor may also assign a contract to another party. The court must approve any decision by the debtor to assume/accept, reject or assign the contract. Before the debtor makes a decision as to whether to assume/accept or reject the contract, it is not required to perform, although it may voluntarily perform to minimize its damages.

1. What effect would bankruptcy have on the approval process as part of the General Plan amendments and ZRA?

I'm interpreting your question as asking what effect the filing of a bankruptcy petition would have on the adoption of the proposed General Plan amendments and/or a Council Bill amending the NT development process in the Zoning Regulations.

The probable answer to this question is fairly simple- changes in the zoning law, such as those proposed in the GPA and ZRA 113 are not usually considered actions against the debtor, but are considered exercises of the police power, which are not subject to the automatic stay of Section 362(a). In re Lacoquille Inv. Co., Inc., 44 B.R. 731 (Bankr. N.D. Fla. 1984).

When the government is effectuating public policy, as opposed to advancing its own pecuniary interests (e.g., collecting on a debt), the automatic stay is usually not applied. Changing the rules for development in downtown Columbia would seem to unquestionably be effectuating public policy.

2. How would bankruptcy affect the enforceability of financial commitments made by the developer?

GGP is bound by all the same rules as other developers in terms of securing its agreements to make the public improvements required in the development process. A developer makes agreements with the County to build roads, sidewalks, water and sewer facilities and other improvements required for its development as part of its obtaining approval from the County of its development plans. The developer secures the performance of those developer/public works/facilities agreement obligations through surety bonds and letters of credit issued by third party guarantors. If the developer fails to make the required improvements, the County may ask the surety or other guarantor to make the improvements.

If an owner/developer filed for bankruptcy prior to completion of its required improvements, it would be protected by the automatic stay as outlined above, and would have until confirmation of the Plan to accept or reject a developer agreement (executory contract), and would not be required to perform

in the interim before the Plan is confirmed or denied, unless the County sought a court order to require otherwise.

Sureties and Guarantors

Courts in the Second Circuit (where GGP's case is pending in the Bankruptcy Court for the Southern District of New York) have held that the automatic stay provisions of Section 362 should not be extended to stay non-debtor (creditor) actions involving sureties or guarantors of the debtor. Longview Equity Fund, LP v. McAndrew, No. 06 Civ. 4304, 2007 WL 186769 (S.D.N.Y. 2007).

Despite this, debtors have successfully sought to enjoin creditors from pursuing litigation against the debtor's surety during the pendency of the bankruptcy litigation.

There are three main points to conclude from this analysis:

1. If a debtor does not perform its developer agreement obligations during the automatic stay period before its decision on whether it will assume, reject or assign its developer agreement /contract obligations, the County could successfully have the surety/guarantor perform the necessary improvements; and
2. At the conclusion of the bankruptcy proceedings at the latest the surety would be required to perform the required improvements; and
3. The development in question will not be allowed to proceed, in terms of construction and use of the proposed development, until the improvements are successfully completed.

3. How would GGP's plan be affected by private covenants?

Private covenants exist as controls on property independent from zoning, a governmental control. Chevy Chase v. Jagers, 261 Md. 309, 275 A.2d 167 (1971), and thus may be more restrictive than zoning restrictions. A zoning restriction may also be more restrictive than a covenant- the more restrictive would prevail. City of Bowie v. MIE Properties, Inc., 398 Md. 657, 922 A.2d 509 (2006).

If GGP's plan (GPA/ZRA) is more restrictive than an existing private covenant as to a property, it will prevail, and vice-versa.

The County cannot make private approval as to compliance with covenants or any other private restriction a condition of governmental approval or application for approval.

The County cannot require that a covenant be extinguished as a condition of a governmental approval.

A private entity responsible for enforcement of private restrictions may not exercise zoning controls.

INFORMAL LEGAL ADVICE – NOT A FORMAL OPINION OF THE COUNTY SOLICITOR

Making a Special Place

1. The Plan should address a strategy to preserve the former Rouse Company Headquarters.
2. The Plan should coordinate the proposed development program including heights, densities and number of hotel rooms in the General Plan amendment, Zoning Regulation amendment and Supplemental Documents.
3. The Illustrative Plans provided as exhibits should include all of the area covered by the Final Development Plans listed in the Zoning Regulation Amendment.
4. The Plan should provide for design guidelines for the Columbia Mall as part of one or more neighborhoods.
5. The Plan should delineate boundaries for the Lakefront core.
6. The Plan should provide for design guidelines to address how the Warfield neighborhood would provide pedestrian and multi-modal connections and design relationships with the existing residential communities.
7. The Plan should identify strategies to attract and support local merchants within the Downtown and to complement neighborhood retail uses in the nearby, neighboring village centers.
8. The Plan should include a 15-percent MIHU requirement consistent with other comparable zoning districts as well as the proposed 10-percent middle income housing requirement. These requirements should also be included within the Zoning Regulation Amendment and address concerns about external appearance.
9. The Plan should identify a suitable location for a new fire station so that construction may begin as soon as possible.
10. The Plan should include a revised phasing plan that ensures Merriweather Post Pavilion is renovated in the first phase of development in accordance with the General Plan Amendment.
11. The Plan should include a “percent for art” program for private development based on construction costs or an alternative commitment to support public art.
12. The Plan should include a strategy for County Council’s adoption of Downtown-wide design guidelines and review by the County’s Design Advisory Panel (DAP). DAP review and a strategy for the inclusion of more detailed neighborhood design guidelines at the Final Development Plan stage should be described in the Zoning Regulation Amendment.

Moving and Connecting People

1. The Plan should provide for more fully developed bicycle accommodations for a *complete streets* approach.
2. The Plan should cross-reference street types described in the General Plan amendment, design guidelines and roadway classifications in County’s Roads Design Manual on Exhibit H: *Street Framework Diagram*.

3. The Plan should include a timetable for feasibility studies of transit and major transportation improvements.
4. The Plan should address requiring provisions in the *Adequate Public Facilities Act* for regular, five-year reassessments of transportation strategies, their successes or failures, and requiring further mitigation and adjustment of future projections as needed.
5. The Plan should recommend review (at the FDP stage) of proposals for design and funding of pedestrian, bicycle and transit improvements across the existing grade-separated pedestrian overpass at Route 29 and connecting to Oakland Mills Village Center.
6. The Plan should identify a strategy for locating the transit hub and potential transit corridors.
7. The Plan should include alternative strategies to address parking systems in Downtown.
8. The Plan should include specific Design Guidelines for the treatment of garages to include retail in the ground floor levels in order to support a successful park-once approach and improve the pedestrian experience.

Sustaining the Environment

1. The Plan should include strategies for exceeding the County's required standards related to green construction and operations.
2. The Plan should provide a timetable for implementing environmental restoration and storm water management projects described in the Supplemental Documents. Environmental restoration and storm water management projects should be specifically described in the phasing plan and should include formal agreements for ongoing maintenance prior to completion of the phase.
3. The Plan should provide for an acre-to-acre replacement plan of parkland for each acre of Symphony Woods where new buildings are planned; or, the plan should suggest other locations for proposed arts, cultural and community facilities if the Columbia Association does not authorize such facilities on their land.
4. The Plan should discuss distinct (mutually exclusive) definitions and separate requirements for accounting of existing designated open space, new amenity areas and new arts, cultural and community uses and facilities.
5. The Plan should indicate a minimum required amount of total new amenity areas in acres per neighborhood.
6. The Plan should coordinate proposed Design Guidelines and proposed Sustainability Framework to provide for general Green Design Guidelines for all of Downtown Columbia for adoption by the County Council. These Green Design Guidelines could then be used as the basis for devising unique Green Design Guidelines for each neighborhood that could be included in each neighborhood-specific FDP amendment.
7. As the proposed master plan is refined, alternate designs should be pursued to minimize impacts on high-quality forest areas identified in Supplemental Documents.

Balancing and Phasing Growth

1. The phasing plan shall consist of six increments that set maximum levels of new development for each land use category: residential, retail, office and hotel. The phasing plan shall also require minimum levels of development that shall be completed for each land use category before the next phase commences.
2. Each phase shall include a list of infrastructure, restoration and amenity projects to be completed before the next phase can commence. Each project shall be funded, in part or in its entirety, by a financial contribution from the original petitioner. Each phase shall include at least one project from each the following categories:
 - Transit and major transportation improvements not currently required by APF (such as additional lanes or interchange improvements, etc.)
 - **First phase** shall include completion of feasibility studies for all needed major transportation improvements
 - Environmental restoration projects for those watersheds that include the Downtown area
 - Downtown Neighborhood Community Gathering Space (to be included within the first five phases)
 - Arts, Cultural and Community or public/civic facility (Schools, Fire Station, Police sub-station, Library)
 - **First Phase** shall include renovations to Merriweather Post Pavilion as described in the GPA and identification of a location for a new Downtown Fire Station.
3. The Plan shall require each FDP amendment to include tracking of all previous and current phases, to ensure completion of required projects, to provide a comparison of currently completed projects with phasing plan, and provide strategies on how a proposed FDP amendment will implement and comply with current phase.
4. The Plan should include project monitoring in five-year increments with developer reporting, association reporting, and GGP cumulative reporting including the regular five-year re-assessment of traffic analyses.

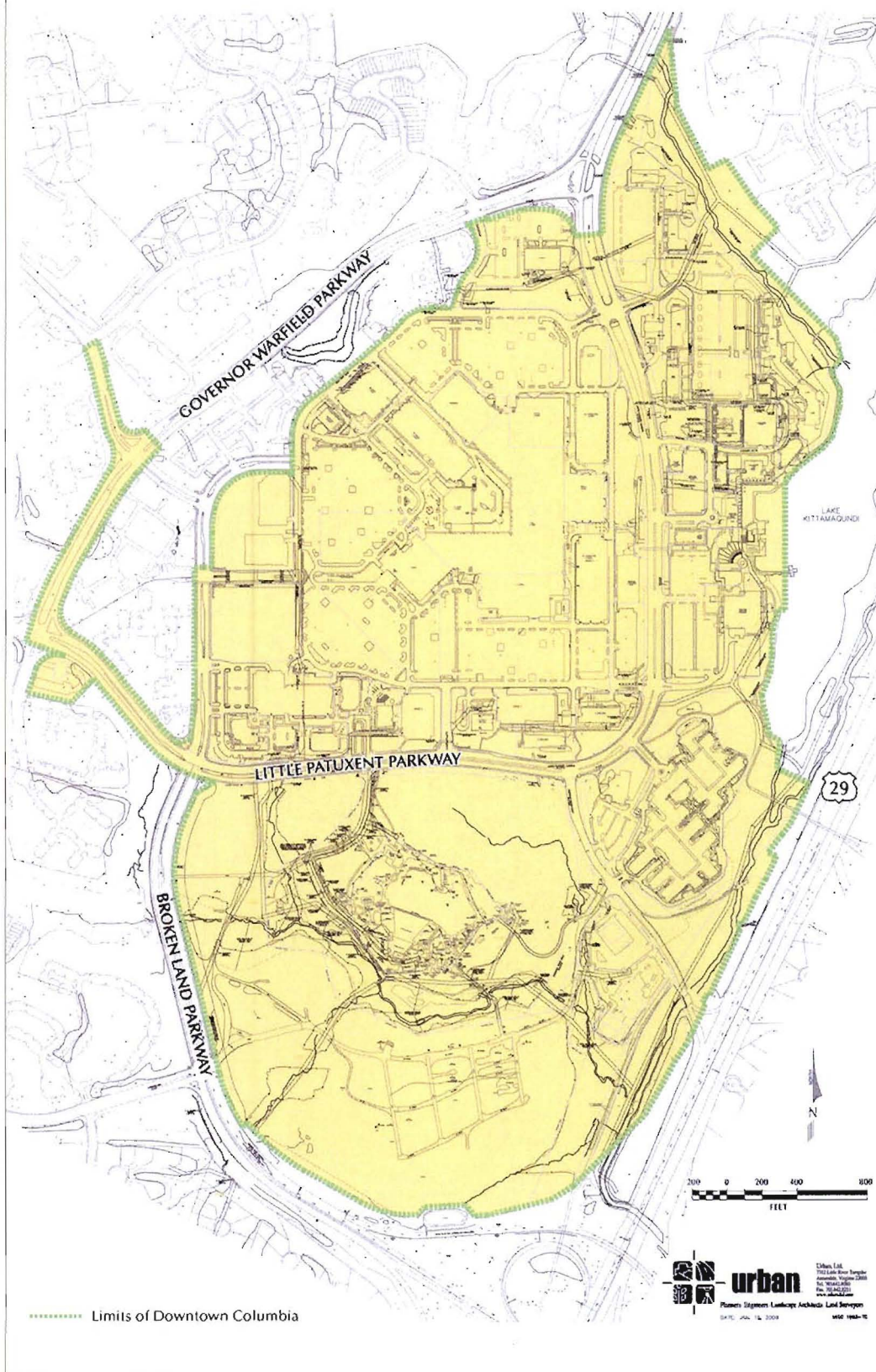
Involving Everyone

1. The Plan should clarify that Final Development Plans will address an entire neighborhood at a minimum.
2. The Plan should discuss possible, alternative management strategies for Downtown including an alternative for fewer entities to manage Downtown. Alternative strategies should include an explanation of managing entities composition, public participation procedures, decision-making processes, and enforcement mechanisms.

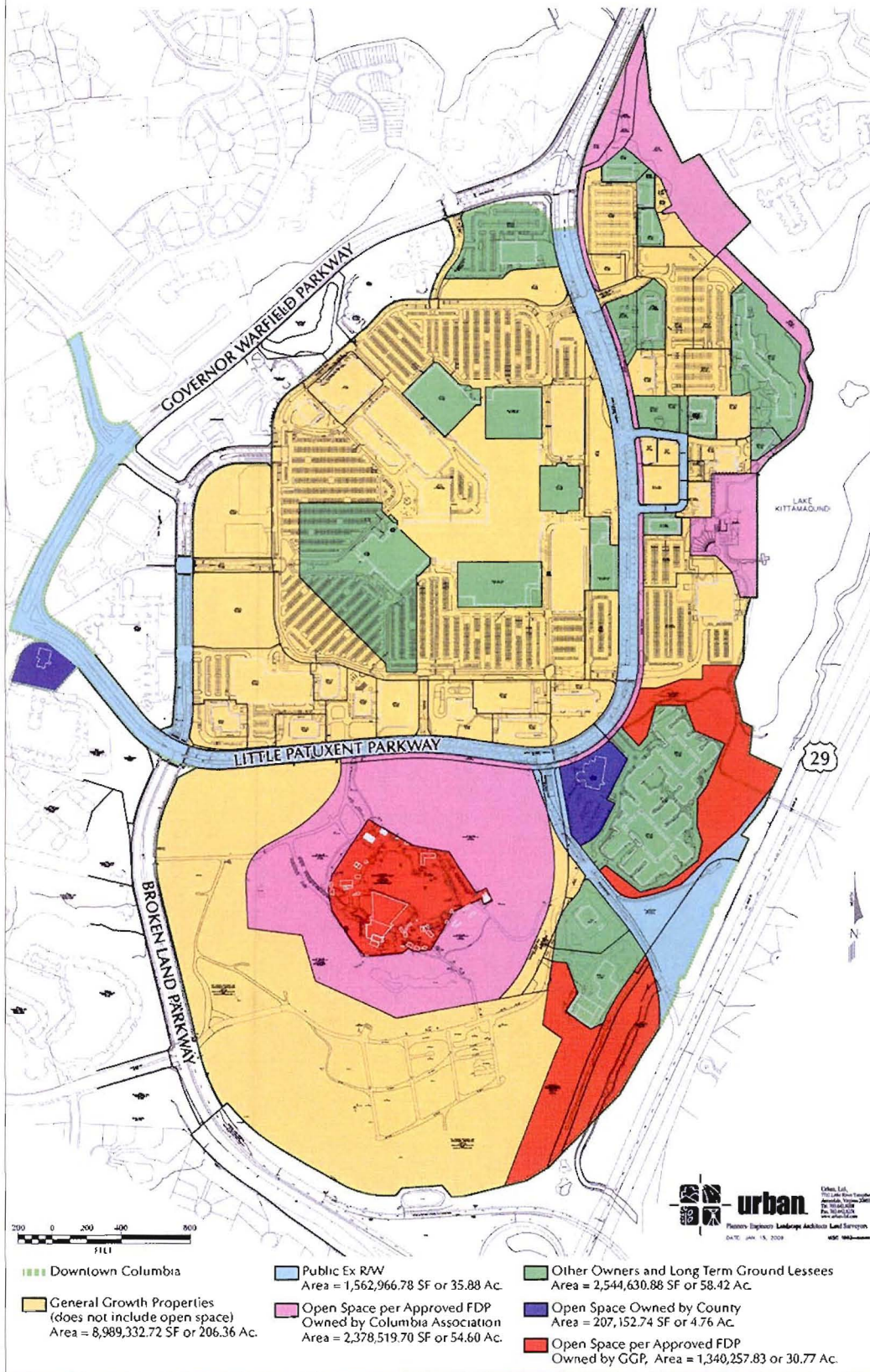
GPA EXHIBITS

- “Option B” GPA Exhibit A – Downtown Columbia (Boundary)
- “Option B” GPA Exhibit B – Land Ownership Plan
- “Option B” GPA Exhibit C – Street & Block Plan
- GPA Exhibit D – Illustrative Master Plan
- “Option B” GPA Exhibit E – The Neighborhoods
- “Option B” GPA Exhibit F – Building Heights Zones
- GPA Exhibit G – Amenity Space Framework Diagram
- “Option B” GPA Exhibit H – Street Framework Diagram
- “Option B” GPA Exhibit I – Bicycle Circulation Plan
- “Option B” GPA Exhibit J – Amendment to *General Plan 2000* Transportation Policies Map

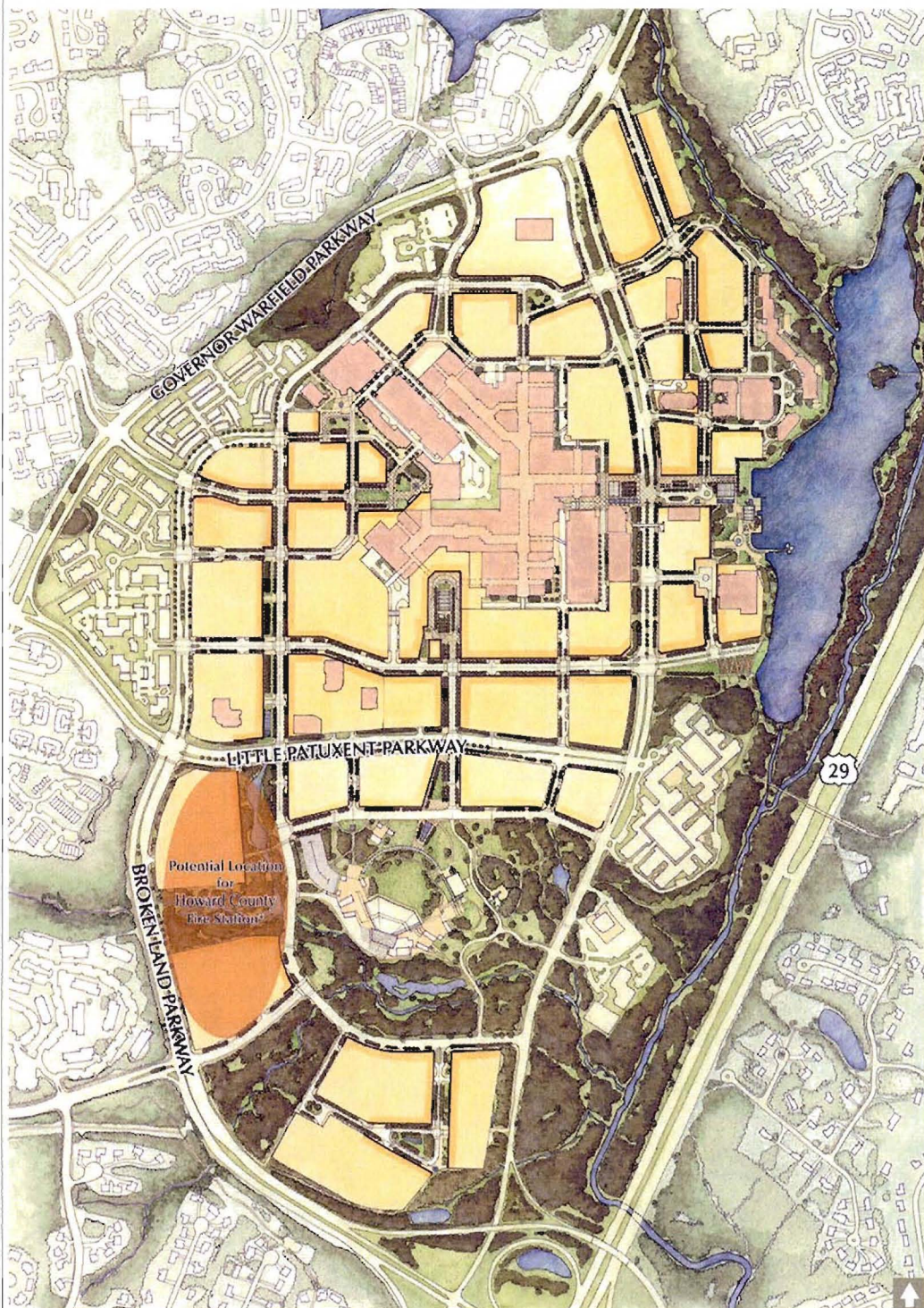
A. DOWNTOWN COLUMBIA



B. LAND OWNERSHIP PLAN

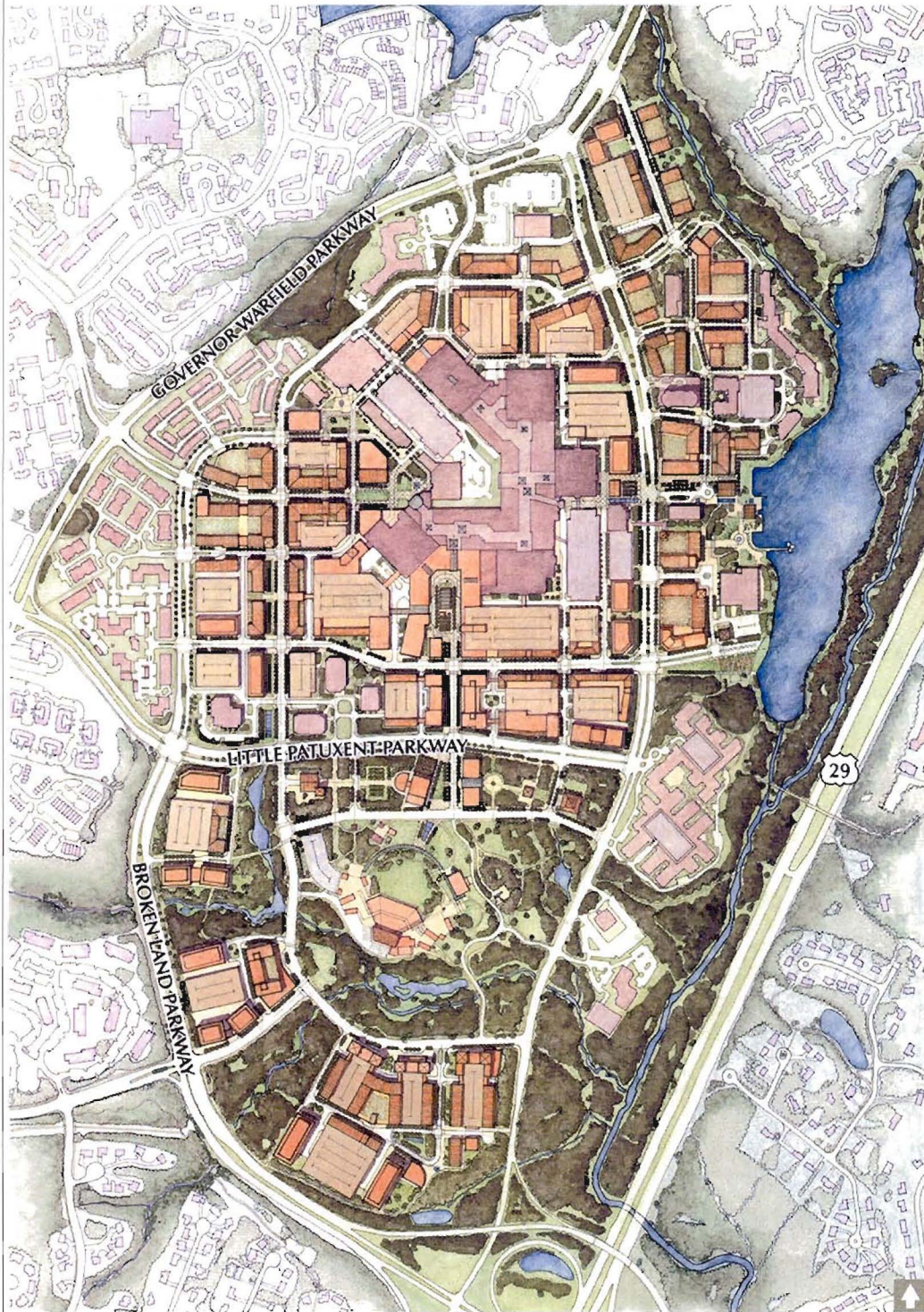


C. STREET AND BLOCK PLAN

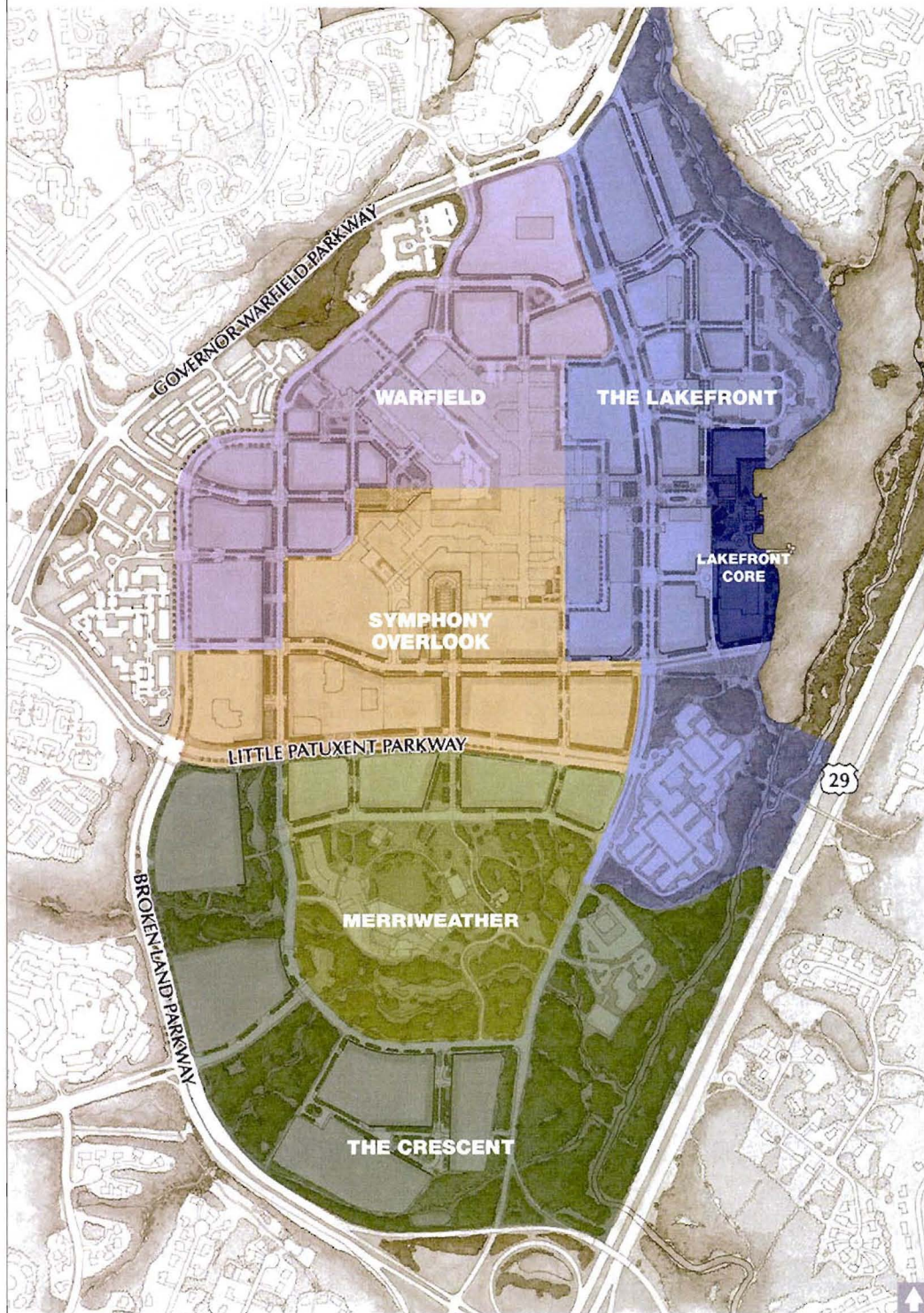


*See section 4.2 of the General Plan Amendment for full discussion of the potential location for Howard County Fire Station.

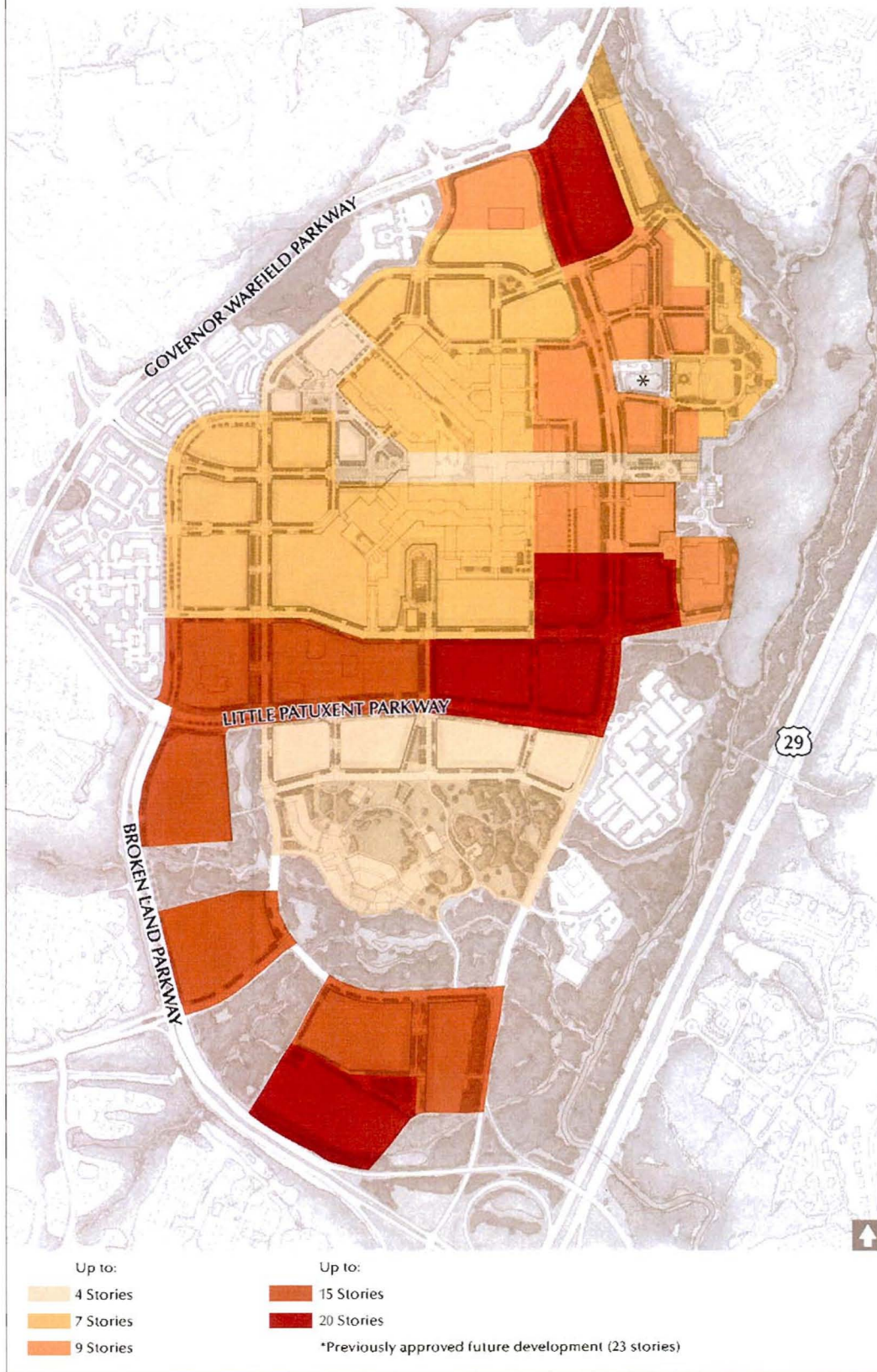
D. ILLUSTRATIVE MASTER PLAN



E. THE NEIGHBORHOODS



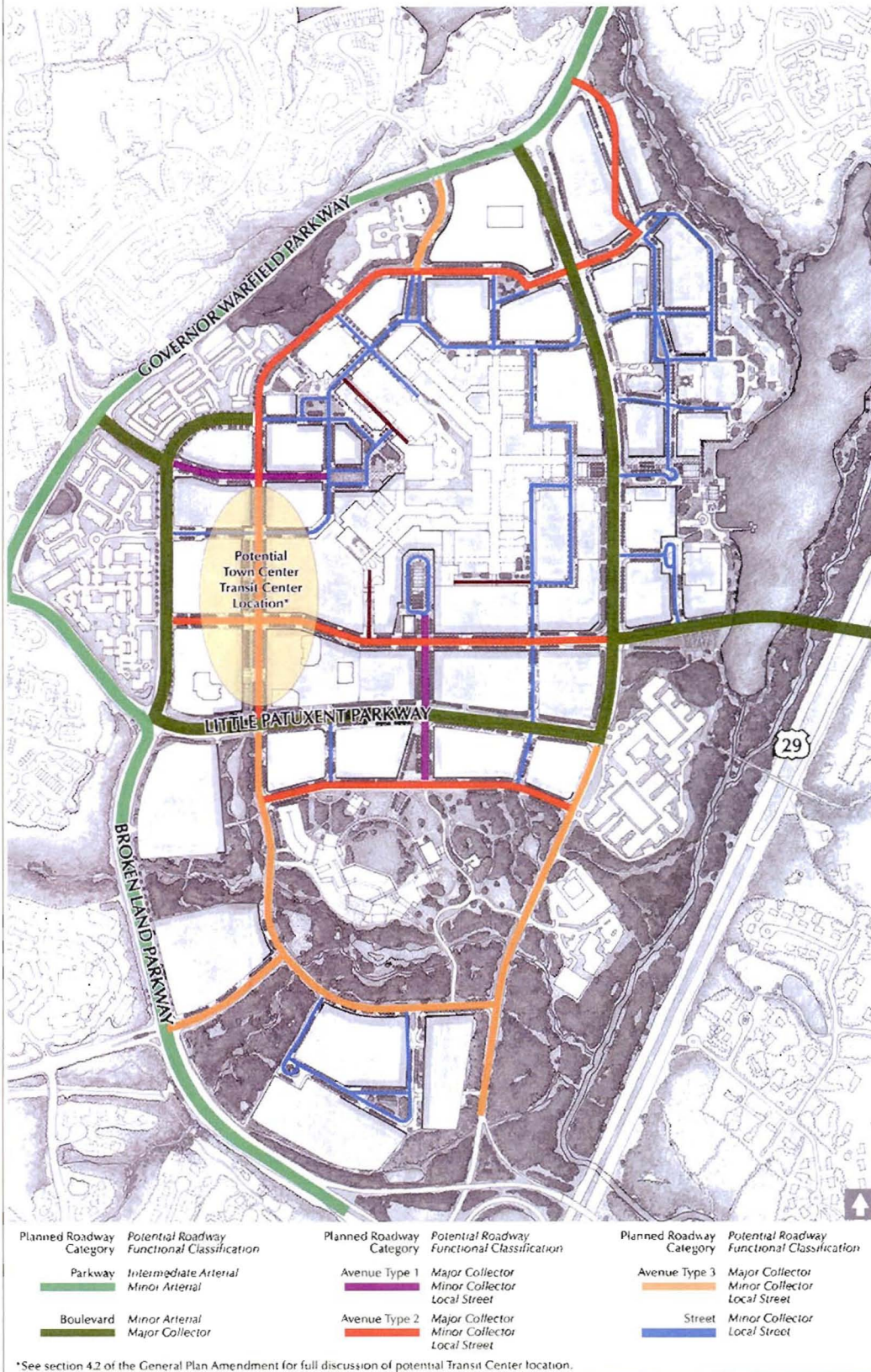
F. BUILDING HEIGHT ZONES PLAN



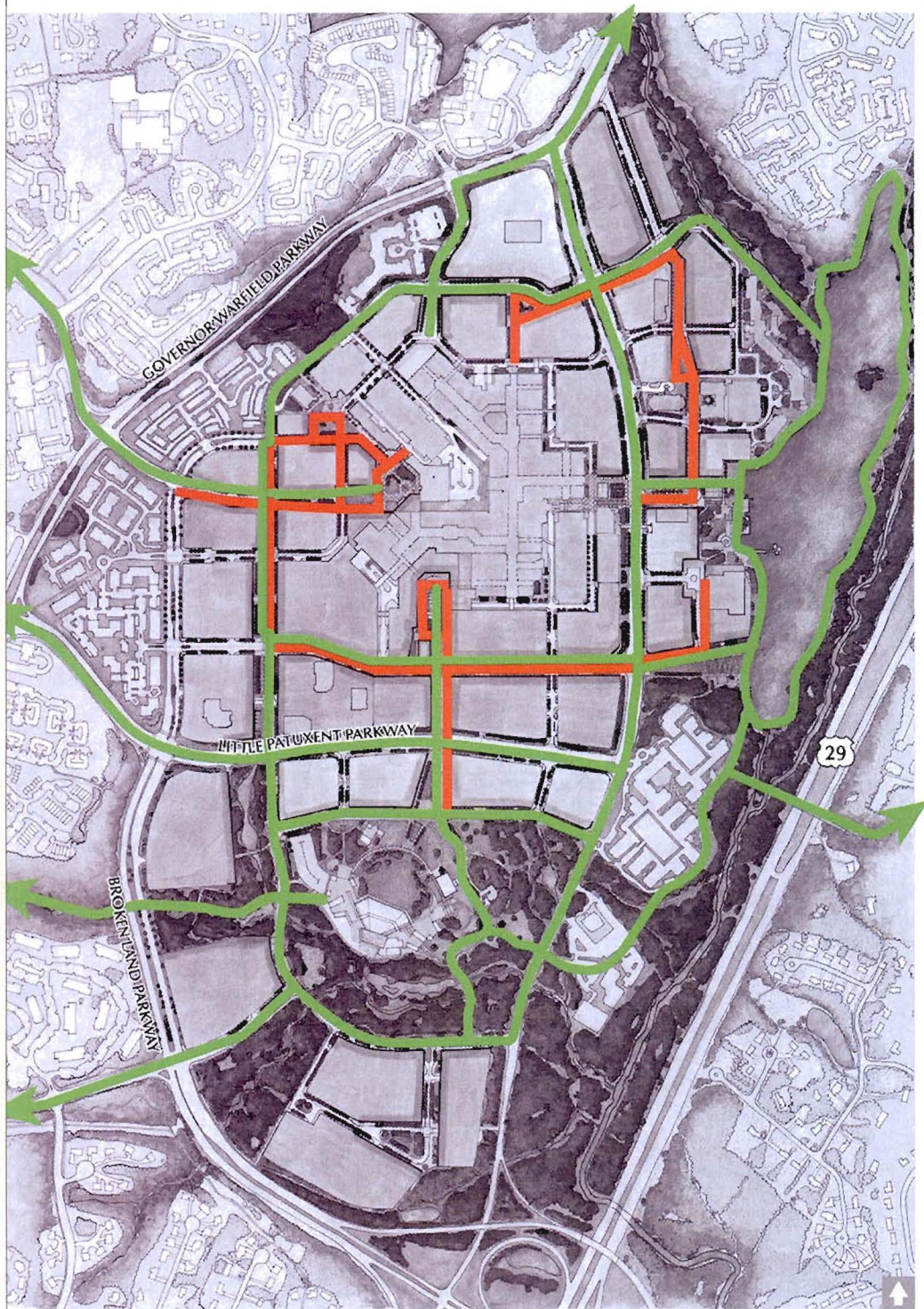
G. AMENITY SPACE FRAMEWORK DIAGRAM



H. STREET FRAMEWORK DIAGRAM

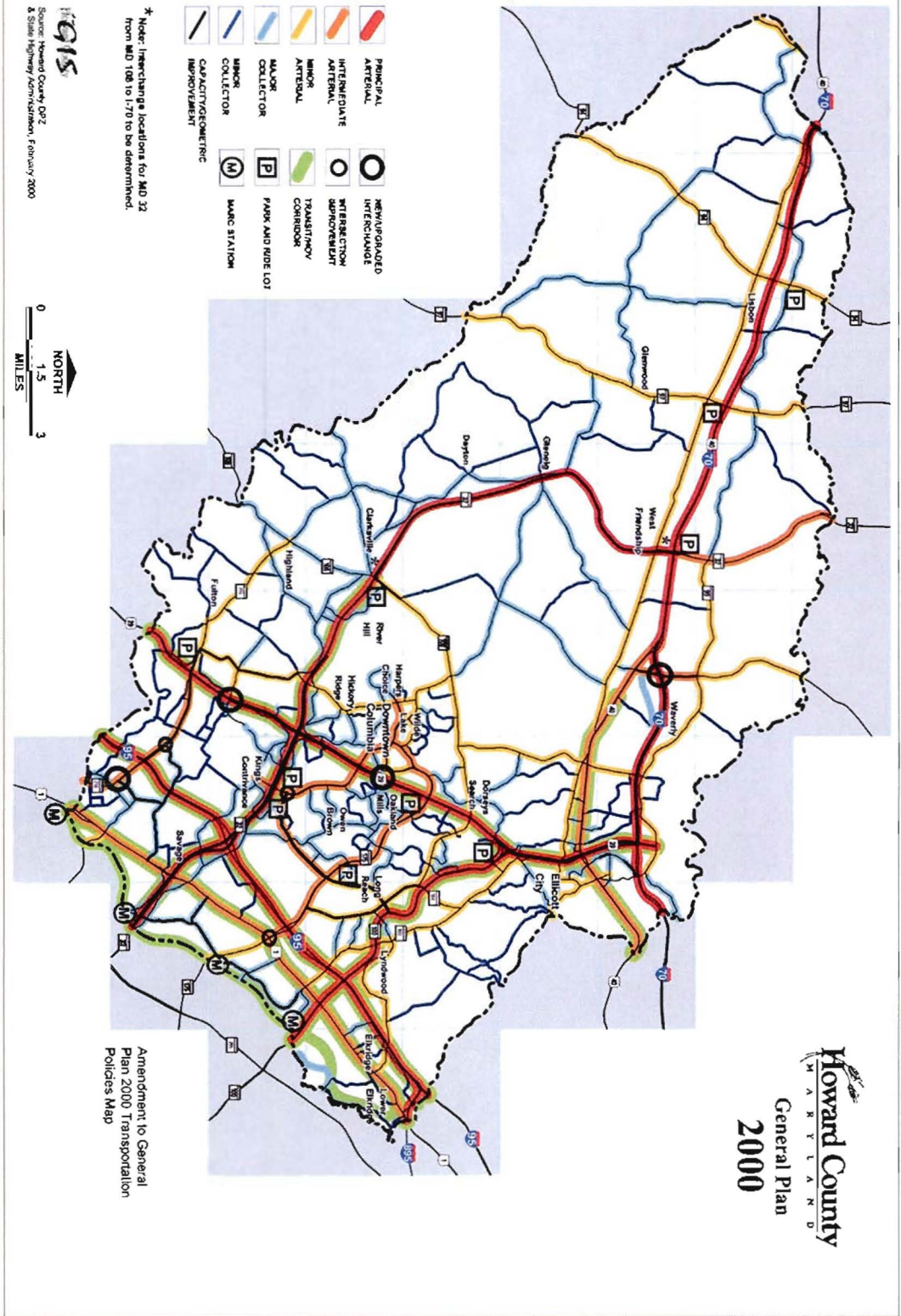


I. BICYCLE CIRCULATION PLAN



Primary Bicycle Routes

Primary Pedestrian Streets



Howard County Development Review
Comparison among Processes

PB EXHIBIT 6

All steps in the subdivision process are always required.
In NT, additional procedures are required.
ZRA 113 proposes modifications to these additional NT procedures.

Conventional Zoning & Subdivision Process

| | Zoning Map Petition | Subdivision Sketch Plan | Subdivision Preliminary Plan | Subdivision Final Plan | Site Development Plan (SDP) |
|-----------------------------|--|--|--|---|--|
| Content | Owner submits petition with boundary map and zoning district identified. | Plan shows developer's design concept (density, road network, lot / parcel layout, environmental analysis, APF information) and timing of project. | Plan shows: preliminary engineering to address lot and road arrangement, traffic and noise conditions, forest conservation, environmental impact, water, sewer, drainage, stormwater management and grading. | Final Plan shows exact location of: lots / parcels, rights-of-way and all required easements. Final Plans show construction for roads, water and sewer, stormwater management and other infrastructure. | Plan shows exactly how lots / parcels will be developed: grading, buildings, utilities, parking, landscaping, etc. |
| Review and Approval Process | Approved by the Zoning Board after Planning Board recommendation and a public hearing. | Presubmission meeting required for residential. Approved by DPZ following SRC review. PB approval following a public meeting or hearing is required in NT, MXD, PGCC and R-ED districts. APF allocations are assigned upon approval. | Approved by DPZ following SRC review. | Approved by DPZ following SRC review. | Approved by DPZ following SRC review. PB approval following a public meeting or hearing is required in NT, MXD, PGCC and R-ED districts if PB requires at Sketch Plan. |

New Town Zoning: Current Process

| | Prelim Development Plan (PDP) | Comprehensive Sketch Plan (CSP) | Final Development Plan (FDP) |
|-----------------------------|--|--|---|
| Content | Original petitioner submits petition with map of Columbia showing general location of land uses, major public roads and major public facilities. | Plan covers a portion of NT land, shows location and acreage of land uses, maximum number of dwelling units, location of roads, and open space. Includes criteria for uses, lot sizes, parking, building heights, other regulations. | Plan shows exact boundary and acreage. Includes any amendments to land use or development criteria from the approved CSP criteria. |
| Review and Approval Process | Approved by the Zoning Board after Planning Board recommendation and a public hearing. | Approved by Planning Board after a public hearing (typically) or public meeting. | Approved by PB after a public meeting. Recorded in Land Records. |
| | | | Approved by the PB at a public meeting if PB so requires at CSP. Typically only SFD plans are waived. Presubmission community meeting required for residential. |

Downtown Columbia: Proposed Process

| | Downtown GPA and ZRA | Presubmission Community Meeting Design Advisory Panel (DAP) | Final Development Plan (FDP) |
|-----------------------------|---|---|---|
| Content | Owner submits petition for a General Plan Amendment (GPA), which proposes to formally adopt a development master plan for Downtown Columbia, and a Zoning Regulation Amendment (ZRA), which defines the development program, amenity requirements, required phasing, PB review criteria, and all related rights and requirements. | Applicant and plan engineer provide information to the community regarding the proposed development; community residents have the opportunity to ask questions and make comments about the development proposal. Applicant, architect, and other design professionals present the proposal's goals, layout and design philosophy to the DAP for peer review. | Petition shows an entire downtown neighborhood including: boundary and acreage, location of parcels, existing and proposed land uses, maximum number and type of dwellings, maximum square footage of land uses, location of signature buildings, general layout of existing and proposed pedestrian and bicycle circulation, conceptual storm water management, implementation plan for phasing, traffic study, location of historic or culturally significant features and preservation strategy, environmental and green site/building accommodation, location and program for public art, and design guidelines |
| Review and Approval Process | GPA and ZRA approved by Council after Planning Board recommendation and a public hearing. | Minutes distributed when plans submitted for review. Advisory recommendations by DAP. | Approved by PB after a public hearing. Recorded in Land Records. |
| | | | Presubmission community meeting and presubmission Design Advisory Panel meeting required. Approved by the PB at a public meeting. Minor additions and modifications meeting criteria typically waived. |